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# ACTS AND RESOLVES

PASSED BY THE  
**General Court of Massachusetts**  
IN THE YEAR

# 2000

VOLUME I

PUBLISHED BY  
**William Francis Galvin**  
SECRETARY OF THE COMMONWEALTH







The General Court, which was chosen November 3, 1998, assembled on Wednesday, the fifth day of January 2000 for the second session.

His Excellency Argeo Paul Cellucci and the Honorable Jane M. Swift served as Governor and Lieutenant Governor respectively for the political year of 2000.





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## 2000 ACTS AND RESOLVES

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**Chapter 1. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2000 and for certain other activities and projects, the sum set forth in section 2 is hereby appropriated from the general fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified therein, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000. Said sum shall be in addition to any amounts previously made available for the purposes of said item.

**SECTION 2.**  
**TREASURER AND RECEIVER-GENERAL.**  
*Office of the Treasurer and Receiver-General.*

0612-0105 ..... \$900,000

**SECTION 3.** This act shall take effect upon its passage.  
Approved January 5, 2000.

**Chapter 2. AN ACT RELATIVE TO THE APPORTIONMENT OF SEWER COSTS IN THE TOWN OF STOUGHTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 6 of chapter 86 of the acts of 1911, as most recently amended by section 1 of chapter 583 of the acts of 1981, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The town of Stoughton shall by vote determine what proportion of the cost of said system or systems of sewage and sewerage disposal the town shall pay.

**SECTION 2.** This act shall take effect upon its passage.  
Approved January 12, 2000.

**Chapter 3. AN ACT AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT AMONG THE TOWN OF MILLBURY, THE CITY OF WORCESTER AND THE MASSACHUSETTS TURNPIKE AUTHORITY.**

*Be it enacted, etc., as follows:*

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### Chap. 3

**SECTION 1.** The sewer commission of the town of Millbury may, on behalf of the town of Millbury, enter into an intergovernmental agreement or agreements, pursuant to the provisions of section 4A of chapter 40 of the General Laws, with the city of Worcester, in connection with the acceptance of sewer and access easements by the sewer commission, on behalf of the town of Millbury, from the Massachusetts Turnpike Authority or the city of Worcester, as part of the Route 146/Greenwood street construction project.

Agreements authorized by this act may exceed 25 years notwithstanding the maximum term under said section 4A of said chapter 40.

**SECTION 2.** This act shall take effect upon its passage.

Approved January 12, 2000.

### Chapter 4.    **AN ACT REPEALING THE LAW AUTHORIZING THE TOWN OF HOLBROOK TO ESTABLISH A BETTERMENT RESERVE FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 443 of the acts of 1998 is hereby repealed.

**SECTION 2.** This act shall take effect upon its passage.

Approved January 19, 2000.

### Chapter 5.    **AN ACT RELATIVE TO THE NUMBER OF LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES IN THE CITY OF SOMERVILLE.**

*Be it enacted, etc., as follows:*

Chapter 258 of the acts of 1980, as amended by chapter 463 of the acts of 1991, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- The number of licenses for the sale of wines and malt beverages under said section 12 shall be calculated pursuant to section 17 of said chapter 138.

Approved January 19, 2000.

### Chapter 6.    **AN ACT AUTHORIZING THE CITY OF WESTFIELD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

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## **Chap. 6**

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the city of Westfield may issue to Michael Altobelli d/b/a Westfield Spirit Shop a license to sell all alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except said section 17. Upon the issuance of such license, Michael Altobelli d/b/a Westfield Spiri Shop shall return to said city the seasonal all alcoholic beverage license he presently holds.

Approved January 19, 2000.

## **Chapter 7. AN ACT ESTABLISHING A SPECIAL REVENUE FUND FOR THE TOWN OF MONSON FOR THE PURPOSE OF ACQUIRING OPEN SPACE AND RECREATION LAND.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Monson may establish a separate fund to be known as the Open Space and Recreation Land Acquisition Account, which shall be kept separate and apart of all other monies of said town by the town treasurer, and in which shall be deposited all payments received from the sale of timber harvested on town-owned property by the town. The treasurer may invest such funds in the manner authorized by sections 54 and 55 of said chapter 44. The principal and interest thereon shall be reserved for appropriation for the acquisition of open space and recreation land.

Approved January 19, 2000.

## **Chapter 8. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY BOND CAP.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to increase the Massachusetts Water Resources Authority bond limit in order to avoid disruption of ongoing projects, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as appearing in section 256 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:- The aggregate principal

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## Chap. 8

amount of all bonds issued under authority of this act shall not exceed \$4,750,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

**SECTION 2.** Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in section 257 of said chapter 194, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act shall not exceed \$4,750,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

Approved January 24, 2000.

## Chapter 9. AN ACT RELATIVE TO THE RETIREMENT OF FRANCIS BURNS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any law to the contrary, and in order to promote the public good, the retirement board of the city of Cambridge shall retire Francis Burns, a police sergeant of said city, who sustained serious injury in the line of duty, resulting in total and permanent incapacitation and inability to perform the essential functions of a police sergeant.

The annual amount of pension payable to Francis Burns under this act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued as a police sergeant in said city at the grade held by him at the time of his retirement.

Such retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation.

Upon the retirement of said Francis Burns, the retirement board of said city shall forthwith pay to him all amounts standing to his credit in the Annuity Savings Fund of the retirement system of said city.

**SECTION 2.** Section 100 of chapter 41 of the General Laws shall continue to apply to Francis Burns relative to his indemnification by the city of Cambridge for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

**SECTION 3.** Upon the death of Francis Burns, if his spouse, Kathleen, survives him and as long as she remains unmarried, the retirement board of the city of Cambridge shall pay such spouse an annual pension equal to the sum of three-fourths of the amount of the pension payable to him at the time of his death and \$511.92 for each child of said Francis Burns for such time as such child is either under 18 years of age or until each child, if attending college

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## **Chap. 9**

is under the age of 21. If such spouse remarries, said retirement board shall pay to such spouse, in lieu of the aforesaid pension, an annual pension of \$520 for each child of said Francis Burns for such time as such child is residing with her and is either under 18 years of age or until each child, if attending college is under the age of 21.

**SECTION 4.** This act shall take effect upon its passage.

Approved January 24, 2000.

## **Chapter 10. AN ACT INCREASING THE COMPENSATION OF DISTRICT ATTORNEYS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the increased compensation for district attorneys, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 15 of chapter 12 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 4, the words "ninety-five thousand seven hundred and ten dollars" and inserting in place thereof the following figure:- \$117,499.

**SECTION 2.** This act shall take effect as of January 1, 2000.

Approved January 24, 2000.

## **Chapter 11. AN ACT RELATIVE TO EXECUTIVE COMPENSATION AND THE EMERGENCY FINANCE BOARD.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith compensation for constitutional officers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 6 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "ninety thousand dollars" and inserting in place thereof the following figure:- \$135,000.

**SECTION 2.** Section 2 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "seventy-five thousand dollars" and inserting in place



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## Chap. 11

thereof the following figure:- \$120,000.

**SECTION 3.** Section 162 of said chapter 6, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- There shall be an advisory board on judicial and constitutional officers' compensation, consisting of five members to be appointed by the governor for a term coterminous with that of the governor. Said board shall study the adequacy of the salaries of members of the judiciary, the governor and council, the lieutenant governor, the state secretary, the attorney general, the state treasurer and the state auditor, and shall, in each odd numbered year, report its recommendations to the general court on or before the first Wednesday in December by filing the same with the clerk of the house of representatives.

**SECTION 4.** Section 1 of chapter 9 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "seventy-five thousand dollars" and inserting in place thereof the following figure:- \$120,000.

**SECTION 5.** Section 1 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "seventy-five thousand dollars" and inserting in place thereof the following figure:- \$120,000.

**SECTION 6.** Section 47 of said chapter 10, as so appearing, is hereby amended by striking out the sixth and seventh sentences and inserting in place thereof the following two sentences:- The chairman of the board, unless said chairman is the state treasurer or state auditor, shall receive as compensation for each day's attendance at board meetings the sum of \$100; provided, however, that the total amount paid shall not exceed \$10,000 in any fiscal year. The director of accounts and the assistant shall each receive as compensation for each day's attendance at board meetings, when acting as a member of the board or attending as provided by law, the sum of \$75; provided, that the total amount paid to each of them for such compensation shall not exceed \$7,000 in any fiscal year.

**SECTION 7.** Section 1 of chapter 11 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "seventy-five thousand dollars" and inserting in place thereof the following figure:- \$120,000.

**SECTION 8.** Section 1 of chapter 12 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "eighty thousand dollars" and inserting in place thereof the following figure:- \$122,500.

**SECTION 9.** This act shall take effect as of January 1, 2000.

Approved January 24, 2000.

## Chapter 12. AN ACT RELATIVE TO MUNICIPAL LIGHTING PLANTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 8 of chapter 44 of the General Laws, as appearing in the 1998

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## Chap. 12

Official Edition, is hereby amended by striking out clauses (8) and (8A) and inserting in place thereof the following two clauses:-

(8) For establishing, purchasing, extending, or enlarging a gas or electric lighting plant, a community antenna television system, whether or not operated by a gas or electric lighting plant, or a telecommunications system operated by a municipal lighting plant, 20 years; but the outstanding indebtedness so incurred shall not exceed in a town 5 per cent and in a city 2.5 per cent of the equalized valuation of such town or city; provided, however, that the emergency finance board, established under section 47 of chapter 10, may authorize a city to incur indebtedness under this clause in excess of 2.5 per cent but not in excess of 5 per cent of the equalized valuation of such city, and may authorize a town to incur indebtedness under this clause in excess of 5 per cent but not in excess of 10 per cent of the equalized valuation of such town.

(8A) For remodeling, reconstructing, or making extraordinary repairs to a gas or electric lighting plant, a community antenna television system, or a telecommunications system operated by a municipal lighting plant, when approved by the emergency finance board, established under section 47 of chapter 10, for such number of years not exceeding ten, as said board shall fix; provided, however, that the indebtedness incurred under this clause shall be included in the limit of indebtedness for gas and electric lighting plants, community antenna television systems or telecommunications systems that are operated by municipal lighting plants, as set forth in clause (8). Each city or town seeking approval by said board of a loan under this clause shall submit to it all plans and other information considered by the board to be necessary for a determination of the probable extended use of such plant, community television antenna system or telecommunications system likely to result from such remodeling, reconstruction, or repair, and in considering approval under this clause of a requested loan and the terms thereof, special consideration shall be given to such determination.

**SECTION 2.** Section 12 of chapter 159 of the General Laws, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 5, the following words:- , except when such services are provided by a municipal lighting plant or cooperative public corporation which provides telecommunications services pursuant to section 47E of chapter 164,.

**SECTION 3.** Paragraph (d) of said section 12 of said chapter 159, as so appearing, is hereby amended by adding the following sentence:- The provision of such services by a telecommunications system established and operated pursuant to section 47E of chapter 164 shall be subject to this chapter with respect to customer billing notification and termination, filing of tariffs, interconnection agreements, number pooling and filing of annual reports, to the same extent as privately owned and operated telecommunications systems.

**SECTION 4.** Chapter 164 of the General Laws is hereby amended by inserting after section 47D the following section:-

Section 47E. A municipal lighting plant or a cooperative public corporation and any municipal lighting plant member thereof, established pursuant to this chapter or any general



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## Chap. 12

or special law may construct, purchase or lease, and maintain such facilities as may be necessary for the distribution or the operation of a telecommunications system for municipal use or for the use of its customers. Such municipal lighting plant may incur debt for such facilities by a vote taken in the manner prescribed pursuant to section 8 of chapter 44. Such cooperative may incur debt for such facilities pursuant to the provisions of section 47C. Such facilities may include suitable land, structure, machinery, other apparatus and appliances for operating a telecommunications system. Such cooperative or municipal lighting plant, which is engaged in the business of operating a telecommunications system, may, as a part of such business, if an appropriation is made therefor, rent, lease, or sell for cash or credit at prevailing retail prices, install and service, within the territory served by such business, merchandise, equipment, utensils and chattels of any description which are incidental or auxiliary to the operation of said telecommunications system or the use of its customers or are necessary or expedient in the protection or management of its property used in such business. Wherever apt, the provisions of this chapter and chapter 44, which apply to the operation and maintenance of a municipal lighting plant, shall apply also to the operation and maintenance of such telecommunications system.

**SECTION 5.** Section 1 of chapter 166 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- For the purposes of sections 1 to 10, inclusive, the word "company" shall not include a municipal lighting plant or cooperative which operates a telecommunications system pursuant to section 47E of chapter 164.

**SECTION 6.** Section 11 of said chapter 166, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The word "company" in this section and in section 12 shall include every person, partnership, association, corporation and municipal lighting plant or cooperative authorized pursuant to section 47E of chapter 164 to engage in the business of the transmission of intelligence by electricity.

**SECTION 7.** Section 13 of said chapter 166, as so appearing, is hereby amended by adding the following sentence:- For the purposes of sections 13 to 15D, inclusive, the word "person" or "company" shall include a municipal lighting plant or cooperative which operates a telecommunications system pursuant to section 47E of chapter 164.

**SECTION 8.** The definition of "Common carrier" in subsection (a) of section 15E of said chapter 166, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this section, the term shall also include a municipal lighting plant or cooperative which operates a telecommunications system pursuant to section 47E of chapter 164.

**SECTION 8A.** Section 21 of said chapter 166, as so appearing, is hereby amended by adding the following sentence:- This section shall apply to a municipal lighting plant or cooperative that operates a telecommunications system outside the limits of its service territory pursuant to section 47E of chapter 164, but only for construction that is outside its

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## Chap. 12

service territory.

**SECTION 8B.** The first paragraph of section 25A of said chapter 166, as so appearing, is hereby amended by striking out the definition of "Licensee" and inserting in place thereof the following definition:-

"Licensee", means any person, firm or corporation other than a utility, which is authorized to construct lines or cables upon, along, under and across the public ways. For the purposes of this section, the term shall also include a municipal lighting plant or cooperative that operates a telecommunications system outside the limits of its service territory pursuant to section 47E of chapter 164, but only for those attachments that are outside its service territory.

**SECTION 9.** Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting after the word "plant", in line 55, the following words:- , a municipal lighting plant or cooperative which operates a telecommunications system pursuant to section 47E of chapter 164.

Approved January 28, 2000.

## Chapter 13. AN ACT RELATIVE TO THE PROVINCETOWN PIER CORPORATION.

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds that:

(a) There exists within the town of Provincetown an underutilized marine and marine-related facility named MacMillan Pier that is owned by the town of Provincetown and, due to age and other factors, has become obsolete, decadent, substandard and blighted. Such pier constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the town. MacMillan Pier constitutes an economic liability, substantially impairs or arrests the sound growth of the town and retards its economic well-being. The pier both decreases the value of private investments and threatens the sources of public revenue. Redevelopment of such property in accordance with the Provincetown Harbor Plan will eliminate substandard conditions and prevent their recurrence and is necessary to retain existing industries, businesses and residents and to attract new industries, businesses and residents, and to promote the sound economic growth of the town.

(b) The menace of such obsolete, decadent, substandard or blighted property is beyond remedy and control solely by the regulatory process in the exercise of police power or direct management by the town of Provincetown, and cannot be dealt with effectively by the operations of private enterprise, without the aid provided herein. The lease of MacMillan Pier by the town of Provincetown to a public corporation to be called the Provincetown Public Pier Corporation for the purpose of bringing sound and market-based management

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## Chap. 13

practices to MacMillan Pier operations, eliminating decadent, substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, and permitting the removal or addition of structures and improvements of sites for marine and marine-related uses.

(c) A public corporation is necessary to ensure that the public purposes that need to be accommodated at MacMillan Pier, and any other properties that might be acquired by the corporation, are preserved. These public purposes, which are described in the Provincetown Harbor Plan, include, commercial fishing, transportation and other marine and marine-related uses.

(d) The exercise of powers by the corporation and any assistance which may be given by the town, or any other public body in connection therewith, are public uses and purposes for which public money may be expended.

Therefore, it is the purpose of the corporation created by this act to aid private enterprises, the town of Provincetown, and other public agencies in the speedy and orderly redevelopment of certain marine and marine-related property within the town to stimulate economic development.

**SECTION 2.** As used in this act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:-

"Board of selectmen", the duly elected board of selectmen of the town of Provincetown.

"Corporation", the Provincetown Public Pier Corporation established by section 3.

"Costs of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of site development, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing structures, financing charges, interest prior to and during the carrying out of the project, interest for up to two years after completion of the project, planning, engineering and legal services, administrative expenses, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of the project to carrying out or placing the project in operation.

"Harbor Plan", the Provincetown Harbor Plan published pursuant to 301 CMR 23.00, by the Provincetown Harbor planning committee, approved by the secretary of environmental affairs on May 4, 1999, and updated from time to time by the Provincetown Harbor committee.

"Two-thirds vote", a vote of at least two-thirds of the voters of the town of Provincetown present and voting at a town meeting duly called.

"Marine and marine-related economic development project", (1) a project to be undertaken in accordance with the Harbor Plan for acquisition or leasing by the corporation of land and improvements thereon, and the development of the property so acquired; or (2) a project to be undertaken in accordance with the Harbor Plan for the rehabilitation or con-

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## Chap. 13

servation of property, or for the demolition, removal, rehabilitation or addition of improvements whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, mitigate or eliminate traffic congestion, or eliminate obsolete or other uses detrimental to the public welfare; or (3) a project involving a combination of the foregoing types of projects.

"Marine and marine-related economic development project plan", a detailed plan, as approved from time to time by the board of directors of the corporation after a public hearing for one or more marine and marine-related economic development projects, which plan shall at a minimum indicate the boundaries of the project, a concept design and proposed uses, and an economic feasibility study. The plan as adopted will, for the purposes of chapter 30B of the General Laws be considered the plan required by clause (25) of subsection (b) of section 1 of said chapter 30B.

"Town", the town of Provincetown.

"Town manager", the person holding the office of town manager under chapter 7 of the charter of the town of Provincetown.

**SECTION 3.** (a) There is hereby created a body politic and corporate to be known as the Provincetown Public Pier Corporation. The corporation is a public instrumentality separate from the town, and is not an authority, board or committee of the town. The corporation is empowered to carry out the provisions of this act, and the exercise by the corporation of the powers conferred by this act are the performance of essential public functions.

(b) Notwithstanding any other general or special law to the contrary, the town, acting through the board of selectmen, may lease for a term not to exceed 20 years MacMillan Pier to the corporation, upon such terms and conditions as the board of selectmen shall determine; but redevelopment of said property shall be undertaken by the town in accordance with the applicable provisions of chapters 7, 30 and 149 of the General Laws before its lease to the corporation. Subject to the applicable provisions of chapter 40 of the General Laws, the town may authorize the board of selectmen to lease or sell other town-owned property to the corporation. The terms and conditions of any such lease or sale shall be determined by the board of selectmen. The lease shall provide that the corporation may not encumber MacMillan Pier, or the corporation's leasehold interest therein without approval of the board of selectmen. The lease shall also provide that the lease shall terminate in the event that the corporation ceases to use MacMillan Pier for the declared public purpose described in section 1.

(c) The corporation may acquire, through lease, sale or any other means the property known as Fisherman's Pier subject to a two-thirds vote.

(d) The town shall not incur any financial obligation as a result of any action by the corporation, absent a two-thirds vote.

(e) For the purposes of section 11A of chapter 30A and chapter 30B of the General Laws, the corporation shall be a governmental body. The corporation shall not be subject to section 16 of chapter 30B of the General Laws. Redevelopment or improvement of any property owned by the corporation or leased by the corporation to another party, including



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design, development, construction and operation shall be subject to sections 38A to 38 O, inclusive, of chapter 7, section 39M of chapter 30 and sections 44A to 44M, inclusive, of chapter 149 of the General Laws when customized improvements exceed the thresholds contained therein, except to the extent that the corporation enters into a ground lease which provides that title to such improvements remain with the lessee. For the purposes of clause *Twenty-sixth* of section 7 of chapter 4 of the General Laws, and chapter 66 of the General Laws, the records of the corporation shall be public records. Chapter 31 of the General Laws shall not apply to any person employed or engaged by the corporation under this act. For the purposes of chapter 268A of the General Laws, the corporation shall be considered a municipal agency. The members of the board of directors and employees of the corporation, together with any person who performs professional services for the corporation on a part-time, intermittent, or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

(f) The corporation shall be subject to all local by-laws and regulations of the town, including the zoning by-law and by-laws concerning the protection of foreshores and wetlands in the town.

**SECTION 4.** (a) The corporation shall be managed by a board of directors consisting of five members, appointed by the board of selectmen. A nominating committee shall be established in accordance with this section for the sole purpose of identifying candidates for nomination to the board of directors of the corporation. The nominating committee shall consist of two members of the harbor committee; one member of the Provincetown finance committee; and two representatives from the commonwealth having employment at either the Massachusetts Development Finance Agency, the Massachusetts coastal zone management office, or the department of environmental management office of waterways. The harbor committee members shall be designated by a majority vote of the harbor committee. The finance committee member shall be designated by a majority vote of the finance committee. The governor shall designate the representatives from the commonwealth. The pier nominating committee shall enter into an open, public and inclusive initial selection process. The nominating committee shall publicize the qualifications required to serve on the board of directors and shall actively and aggressively seek candidates to serve on the board of directors of the corporation. The nominating committee shall initially present to the board of selectmen a minimum of five candidates for the board of directors of the corporation. The board of selectmen may accept or reject any or all of the proposed candidates, and request additional names from the nominating committee. Thereafter, as vacancies occur on the board of directors, the nominating committee may present to the board of selectmen names of proposed candidates to fill said vacancies. Members of the board of directors shall have education and experience in one or more of the following fields: law, finance, marine operations and real estate and the board as a whole shall include persons with education and experience in several of these fields. Each of the five members shall be

sworn to the faithful performance of his official duties as a director of the corporation. A majority of the five members shall constitute a quorum for the transaction of any business, but any action of the board of directors shall require the affirmative vote of a majority of the entire board. The board of directors shall elect from among its members a chairman, vice-chairman, clerk, treasurer and other officers as it finds necessary and determine their duties. The original members of the board of directors shall be appointed within 60 days following the effective date of this act. Of the members of the board of directors first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. All terms thereafter shall be for five years. Upon the expiration of the term of office of any member of the board of directors, or any subsequent member of the board of directors, the successor of such member shall be appointed for a term of five years. In the event of a vacancy on the board of directors, a successor member shall be appointed to complete the term of service for the member whose term has not expired; provided, however, that for the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than 50 per cent of the original term. Unless reappointed no member of the board of directors shall hold office after the expiration of his term. No member of the board of directors of the corporation shall hold office for more than two consecutive terms.

(b) Any member of the board of directors of the corporation may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are in writing expressly waived by the member of the board subject to removal.

(c) The members of the board of directors shall not receive compensation for the performance of their duties hereunder, but each member shall be reimbursed by the corporation for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

(d) The board of directors shall adopt a corporate seal for the corporation and designate the custodian thereof. The board of directors shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually to the board of selectmen, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for property acquisition, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be helpful. The corporation shall cause an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as a current expense. Except as otherwise provided for in this act, the corporation shall have the full power to exercise care of its property and the management of its business and affairs. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in the commonwealth as surety, in such sum as the board may determine, the premium thereof to be paid by the corporation.

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(e) The corporation may be dissolved only in accordance with the following procedure. Either the town manager or the board of selectmen shall make a finding that the corporation is no longer needed to provide for the sound and market-based management, operation and maintenance of MacMillan Pier, and that the purpose of the corporation as set forth in section 1 of this act has been fulfilled, or that the corporation has failed to fulfill such purposes. If such a finding is made, the board of selectmen shall hold a public hearing on whether the corporation should be dissolved. Notice of the public hearing shall be published no later than two weeks prior to the hearing date in two newspapers having general circulation in the town. After the public hearing, the board of selectmen shall make a recommendation to the town meeting as to whether the corporation shall be dissolved. Thereafter, the town meeting may by majority vote dissolve the corporation. Following a vote of dissolution by the town meeting as described herein, the corporation shall transact only such business as is necessary to conclude its affairs. Following dissolution of the corporation, the town shall assume all legal obligations, and liabilities, assets, debts, leases, contracts and all real and other property of the corporation.

**SECTION 5.** The corporation is hereby authorized to:-

- (a) sue and be sued in its own name, plead and be impleaded;
- (b) adopt rules for the regulation of its affairs and the conduct of its business and to alter the same;
- (c) employ consulting engineers, an executive director, superintendents, managers, and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation. Employees of the corporation shall not be deemed to be employees of the town; provided, however, that the town and the corporation may in writing agree to allow employees of the corporation to participate in employee insurance, retirement or other benefit programs offered to town employees;
- (d) make and enter into all contracts and agreements necessary or incidental to the performance of its duties;
- (e) receive and accept from any federal agency, the commonwealth or the town grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any other source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made;
- (f) borrow money and to borrow money against its income stream and assets, and, from time to time, to make, accept, endorse and execute promissory notes, bills of exchange and other obligations of the corporation, for moneys borrowed or in payment for property acquired for any other purposes of the corporation, and to secure the payment of such obligations by pledge, indenture, agreement, assignment of leases or other instrument of trust, said borrowing may be for a term not exceeding 40 years;
- (g) invest any funds not required for immediate use or disbursement in certificate of deposit or in obligations of the government of the United States or in obligations the payment



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## Chap. 13

of the principal of, and interest on, which is guaranteed by the government of the United States; and subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter 44 of the General Laws;

(h) provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act;

(i) prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of marine-related projects and from time to time modify such plans, designs, drawings, specifications and estimates;

(j) designate property as marine and marine-related economic development projects, in accordance with the Harbor Plan;

(k) acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and in such manner as it finds necessary for carrying out the provisions of this act subject to the provisions of paragraphs (b) to (d), inclusive, of section 3. The corporation shall not have the power of eminent domain. Notwithstanding anything to the contrary herein, the corporation shall not acquire any interest in real property until said acquisition has been authorized by a two-thirds vote;

(l) procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable;

(m) improve property acquired by it, and to engage in or contract for the demolition, construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof, provided that a two-thirds vote shall be necessary to authorize the construction, demolition, repair, or alteration of any building or structure located on MacMillan Pier;

(n) arrange or contract with the town for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with a project or projects;

(o) sell, convey, mortgage, lease, transfer, option, exchange, or otherwise dispose of any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to town meeting approval only in accordance with paragraphs (b) to (d), inclusive, of section 3;

(p) manage or lease any marine and marine-related economic development project whether owned or leased by the corporation and to enter into agreement with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purposes of causing any project to be managed;



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(q) establish and collect fees for the use of any properties owned or leased by the corporation;

(r) act with respect to one or more projects as a corporation organized under chapter 121A of the General Laws; and

(s) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

Notwithstanding the provisions of any general or special law to the contrary, the corporation may not expend money or incur any financial obligation in excess of \$50,000 in the aggregate, except the annual operating budget of the corporation, at any one time without the approval of the board of selectmen.

Notwithstanding the provisions of any general or special law to the contrary, the corporation shall establish a maintenance reserve fund from the pier's lease revenues sufficient to meet the expenses of maintaining the pier in a fully operational state and avoiding any reoccurrence of the pier's obsolete, decadent, substandard and blighted state as described in section 1, including, but not limited to, routine and non-routine maintenance and the maintenance of any and all improvements. The corporation shall file an annual report with the house and senate committees on ways and means detailing all receipts, expenditures and the status of said reserve funds.

**SECTION 6.** No marine and marine-related economic development project, or fee, or lease, or license shall be undertaken until a public hearing relating to the project, fee, lease, or license has been held by the corporation after due notice. Further, after due notice, the corporation shall hold at least one public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) the senator for the senatorial district of the commonwealth and the representative for the representative district of the commonwealth within which the marine and marine-related economic development project falls, and (3) the general public through a legal notice in two newspapers having a general circulation in the town published no later than two weeks prior to the hearing date.

**SECTION 7.** The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall be liable as such in contracts and tort, in the same manner as municipal employees under the General Laws. The corporation shall indemnify its employees under sections 9 and 13 of chapter 258 of the General Laws as public employees. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the Barnstable division of the superior court department may direct the treasurer of such corporation to pay such judgment. The real estate owned by the corporation shall not be subject to liens under chapter 254 of the General Laws, but the provisions of sections 28 and 29 chapter 149 of the General Laws shall be applicable to any construction work by the corporation.

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**SECTION 8.** (a) The real estate and tangible personal property of the corporation shall be deemed public property used for the essential public and governmental purposes and shall be exempt from taxation by the commonwealth or any subdivision thereof and from betterments and special assessments; provided, however, that in lieu of such taxes, betterments, and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average assessed value of such real estate, including buildings and other structures, for the three years preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon.

(b) The town may, however, agree with the corporation upon the payments to be made, or the corporation may make and the town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.

(c) Nothing in this act shall be construed to prevent the taxation, to the same extent and in the same manner as other real estate is taxed, of real estate sold or otherwise transferred by the corporation pursuant to an economic development project, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate acquired by the corporation pursuant to an economic development project and thereafter leased by the corporation; provided, however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter 120A, chapter 121B and chapter 121C of the General Laws shall be taxed under said chapters.

**SECTION 9.** The town may borrow under section 8 of chapter 44 of the General Laws, or otherwise as appropriate, or may agree with the corporation or with the federal government or the commonwealth to borrow or as otherwise appropriate, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation, including defraying part of the development, acquisition and operating costs of any marine and marine-related economic development project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section 10 of said chapter 44 and shall be payable within 40 years and otherwise subject to sections 16 to 27, inclusive, of said chapter 44; provided, however, that the total amount of indebtedness of the town outstanding at any one time under this section and clauses (1), (2) and (4) of section 20 of chapter 121B of the General Laws shall not exceed 5 per cent of the town's equalized valuation as defined in section 1 of said chapter 44, notwithstanding the provisions of section 21 of said chapter 121B. Indebtedness incurred under this act shall also be subject to approval under section 22 of said chapter 121B in like manner as indebtedness incurred under said section 20.

**SECTION 10.** This act, being necessary for the welfare of the commonwealth and the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

Approved January 28, 2000.

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**Chapter 14. AN ACT AUTHORIZING THE TOWN OF SHIRLEY TO RELEASE  
A CERTAIN CONSERVATION RESTRICTION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Shirley, acting by and through its board of selectmen, may, subject to the approval of the secretary of environmental affairs pursuant to the provisions of section 32 of chapter 184 of the General Laws, release the conservation restriction granted to the town by Hayes Development Corp. by instrument dated October 8, 1996, recorded in the southern district registry of deeds in Middlesex county as plan #161 of 1997, to the extent shown as Restriction Areas A & C on a plan entitled "Plan of Land in Shirley, Mass.", Scale: 1" = 200', dated February 1, 1999 by Hayes Engineering, Inc., recorded with the southern district registry of deeds in Middlesex county.

**SECTION 2.** In consideration of the release authorized in section 1, Hayes Development Corp. shall grant to the town of Shirley a recordable conservation restriction on the land shown as Restriction Areas B & D on said plan entitled "Plan of Land in Shirley, Mass.", Scale: 1" = 200' dated February 1, 1999 by Hayes Engineering, Inc. for the protection of the natural and watershed resources of the town. The restriction shall be administered by the conservation commission of the town under the provisions of section 8C of chapter 40 of the General Laws.

**SECTION 3.** This act shall take effect upon its passage.

Approved January 28, 2000.

**Chapter 15. AN ACT PROVIDING FOR THE CONVEYANCE OF A  
CONSERVATION RESTRICTION TO THE GREATER  
WORCESTER LAND TRUST, INC.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Worcester is hereby authorized to convey a conservation restriction, as defined in section 31 of chapter 184 of the General Laws, to the Greater Worcester Land Trust, Inc., covering approximately 32.56 acres of land to be known as Cider Mill Park.

**SECTION 2.** This act shall take effect upon its passage.

Approved January 28, 2000.

**Chapter 16. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO  
GRANT FIVE ADDITIONAL LICENSES FOR THE SALE OF WINES  
AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

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## Chap. 16

**SECTION 1.** Notwithstanding the provisions of sections 11 and 17 of chapter 138 of the General Laws, the town of Winchester may grant to five restaurants with seating capacities of 24 or more licenses for the sale of wines and malt beverages to be drunk on the premises. Such licenses shall be subject to all the provisions of said chapter 138, except said sections 11 and 17.

**SECTION 2.** Notwithstanding the provisions of section 11 of chapter 138 of the General Laws, this act shall be submitted to the voters of the town of Winchester at the next annual town meeting to be held in March, 2000 or at a special town meeting held prior thereto in the form of the following question which shall be placed on the official ballot used at such election, "Shall an act passed by the general court in the year 2000 entitled, 'An Act authorizing the town of Winchester to grant five additional licenses for the sale of wines and malt beverages to be drunk on the premises', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect in the town of Winchester, but not otherwise.

**SECTION 3.** This act shall take effect upon its passage.

Approved January 28, 2000.

## Chapter 17. AN ACT RELATIVE TO CERTAIN HOUSING IN THE TOWN OF GROTON.

*Be it enacted, etc., as follows:*

Notwithstanding the prohibition against age discrimination in paragraph 6 of section 4 of chapter 151B of the General Laws, structures expressly for use as housing for persons 55 years of age or older may be constructed on parcel M-137 in the town of Groton, notwithstanding the failure of said parcel to contain at least five acres.

Approved January 28, 2000.

## Chapter 18. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO CONTINUE THE EMPLOYMENT OF POLICE OFFICER PAUL SUTTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, Paul Sutton, a patrolman in the police department of the city of Lawrence, may continue in such office or position until he reaches age 70; provided, however, that he is mentally and physically capable of performing the duties of his office or position; and provided, further, that he shall hold said office subject to the approval of the appointing



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**Chap. 18**

authority, and may be removed therefrom in accordance with the provisions of chapter 31 of the General Laws. The appointing authority may, at its own expense, require said Paul Sutton to be examined by the retirement board of the city of Lawrence to determine his capability for continued service.

Deductions shall continue to be made from the regular compensation of said Paul Sutton under the provisions of chapter 32 of the General Laws for any service performed between age 65 and 70, and upon retirement said Paul Sutton shall receive a superannuation allowance, or a veteran's pension allowance, as applicable, equal to that appropriate for his full years of creditable service, including any such actual service between age 65 and 70. Should said Paul Sutton be determined to be not capable of continuing in service pursuant to an examination by an impartial physician as provided for in this act, he shall be retired for superannuation, and shall not be presumed by virtue of such determination to be disabled for the purposes of said chapter 32.

**SECTION 2.** This act shall take effect as of January 30, 2000.

Approved February 1, 2000.

**Chapter 19. AN ACT FURTHER REGULATING THE TAX ESCROW REQUIREMENTS FOR CERTAIN MORTGAGES.**

*Be it enacted, etc., as follows:*

Paragraph 5 of the third paragraph of subsection B of section 2 of chapter 167E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last sentence.

Approved February 3, 2000.

**Chapter 20. AN ACT RELATIVE TO THE ELECTION OF TOWN OFFICIALS IN THE TOWN OF SHELBURNE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of section 9A of chapter 39 of the General Laws or any other general or special law to the contrary, the town of Shelburne may hold in the month of June its election of officers and the determination of other matters as by law are required to be elected or determined by ballot.

**SECTION 2.** This act shall take effect upon its passage.

Approved February 3, 2000.

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**Chapter 21. AN ACT AUTHORIZING THE DENNIS WATER DISTRICT TO CONVEY TO THE TOWN OF DENNIS A CERTAIN PARCEL OF LAND AND EASEMENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The Dennis Water District may convey to the town of Dennis, for the sum of \$1.00, a certain parcel of land in the town used for water related purposes and containing approximately 0.65 acres and shown on a plan of land on file with the town clerk entitled "Plan of Land in West Dennis, Massachusetts", for Dennis Water District, by Paul E. Sweetser, professional land surveyor, Scale: 1"=30', dated March 16, 1998 for the purpose of accommodating the fire station headquarters on Route 28 in the West Dennis section of the town of Dennis. The terms and conditions of the transfer shall be determined by the board of water commissioners of the district.

**SECTION 2.** The Dennis Water District may grant and convey a license and easement in, over and under a certain portion of land in the town of Dennis used for water related purposes to the town of Dennis for the purpose of allowing passage to and operation of a fire station. The consideration for the license and easement shall be the sum of \$1.00. The portion of land is more particularly described in a plan of land on file with the town clerk entitled "Easement Site Plan, Headquarters Fire Station, Town of Dennis Fire Dept., 833 Main St., Route 28, West Dennis, Massachusetts" dated September 24, 1998 as prepared for Brown and Lindquist, Inc., Yarmouth, MA by Perimeter Land Services, Inc., Sagamore Beach, MA.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 3, 2000.

**Chapter 22. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SWAMPSCOTT.**

*Be it enacted, etc., as follows:*

Section 6 of chapter 2 of the charter of the town of Swampscott, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The question shall be determined by a majority of the voters voting thereon.

Approved February 3, 2000.

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**Chapter 23. AN ACT RELATIVE TO THE MAXIMUM AGE REQUIREMENT FOR INITIAL APPOINTMENT TO THE DEPARTMENT OF STATE POLICE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to exempt certain candidates who are on an eligible list from the maximum age requirement for initial appointment to the department of state police, therefore it is hereby declared to be an emergency law, necessary for the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The second paragraph of section 10 of chapter 22C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- No person who has not reached his nineteenth birthday shall be enlisted for the first time as an officer of the state police. No person shall be eligible to take a competitive examination conducted pursuant to section 11 if he has reached his thirty-fifth birthday on or before the final date for the filing of applications for such examination, as stated in the examination notice.

**SECTION 2.** Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, no person who has successfully passed the competitive examination and whose name is on an eligible list, pursuant to section 11 of chapter 22C of the General Laws, on the effective date of this act shall be disqualified from appointment for initial enlistment as a uniformed member of the state police solely because he has reached his thirty-fifth birthday.

Approved February 10, 2000.

**Chapter 24. AN ACT RELATIVE TO WATERSUPPLY IN THE TOWN OF WEST NEWBURY.**

*Be it enacted, etc., as follows:*

The first sentence of section 5 of chapter 38 of the acts of 1936 is hereby amended by striking out the words "to an amount, not exceeding, in the aggregate, seventy-five thousand nine hundred dollars".

Approved February 10, 2000.

**Chapter 25. AN ACT DESIGNATING A PORTION OF ROUTE 6 IN THE TOWN OF BARNSTABLE AS THE KOREAN WAR MEMORIAL HIGHWAY.**

*Be it enacted, etc., as follows:*

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## Chap. 25

The portion of Route 6 commonly known as the Mid Cape Highway within the town of Barnstable shall be designated and known as the Korean War Memorial Highway, in recognition of the service of veterans of the Korean War. The department of highways shall erect and maintain a suitable marker on Route 6 bearing such designation, in compliance with the standards of the department and as authorized by the federal highway administration.

Approved February 10, 2000.

## Chapter 26. AN ACT INCREASING THE BOND LIMIT OF THE COTUIT FIRE DISTRICT.

*Be it enacted, etc., as follows:*

The first sentence of section 5D of chapter 328 of the acts of 1926, inserted by section 3 of chapter 244 of the acts of 1935, is hereby amended by striking out, in line 7, the words "one hundred and fifty thousand dollars" and inserting in place thereof the following figure:- \$1,500,000.

Approved February 10, 2000.

## Chapter 27. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES ISSUED BY THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the issuance of bonds and notes to carry out the purposes of certain acts passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of chapter 767 of the acts of 1970 shall be issued for terms not to exceed ten years and all such bonds shall be payable by June 30, 2010, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 2.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 4A of said chapter 767 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later



than June 30, 2010, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 10 of chapter 481 of the acts of 1976 shall be issued for terms not to exceed 20 years and all such bonds shall be payable by June 30, 2021, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 11F of chapter 723 of the acts of 1983 shall be issued for terms not to exceed ten years and all such bonds shall be payable by June 30, 2009, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 5.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 11T of said chapter 723 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2009, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 6.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 126 of chapter 199 of the acts of 1987 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2006, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 7.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 131 of said chapter 199 shall be issued for a term not to exceed seven years; provided, however, that all such bonds shall be payable by June 30, 2006, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 8.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 12 of chapter 15 of the acts of 1988 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2011, as recommended by the governor in a message to the general

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## Chap. 27

court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 9.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 14 of said chapter 15 shall be issued for terms not to exceed ten years and all such bonds shall be payable by June 30, 2011, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 10.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 20 of said chapter 15 shall be issued for terms not to exceed ten years and all such bonds shall be payable by June 30, 2011, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 11.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 93 of chapter 164 of the acts of 1988 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2007, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 12.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 96 of said chapter 164 shall be issued for terms not to exceed seven years and all such bonds shall be payable by June 30, 2007, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

**SECTION 13.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 290 of chapter 127 of the acts of 1999 shall be issued for terms not to exceed 20 years and all such bonds shall be payable by June 30, 2029, as recommended by the governor in a message to the general court dated December 17, 1999, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution.

Approved February 15, 2000.

## **Chapter 28. AN ACT RELATIVE TO THE ELECTION OF OFFICERS TO THE WEST BOYLSTON WATER DISTRICT.**

*Be it enacted, etc., as follows:*

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## Chap. 28

**SECTION 1.** Section 9 of chapter 352 of the acts of 1933 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 33 of the acts of 1999, and inserting in place thereof the following sentence:- The board of water commissioners of said district shall consist of five members who shall be elected by ballot at the town's annual town election. The officers of the water district shall appear on the same ballot as the elected officers of the town.

**SECTION 2.** The provisions of this act shall not affect the existing term of any commissioner elected before or as a result of the enactment of chapter 33 of the acts of 1999.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 15, 2000.

## Chapter 29. AN ACT RELATIVE TO BILLBOARDS.

*Be it enacted, etc., as follows:*

Section 6 of chapter 40A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 20 to 23, inclusive, the words "billboards, signs and other advertising devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D or to".

Approved February 17, 2000.

## Chapter 30. AN ACT RELATIVE TO REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF BRAINTREE.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 3 of chapter 17 of the acts of 1937 is hereby amended by striking out the first paragraph and inserting in place thereof the following sentence:- The representative town meeting membership shall in each of the 12 precincts consist of 21 members, which will cause the total membership to be 252.

**SECTION 2.** Said chapter 17 is hereby further amended by inserting after section 3 the following section:-

*Section 3A.* At the first scheduled town election after the effective date of this act, providing for the total membership of town meeting to be 252, precincts 1 to 4, inclusive, shall elect nine town meeting members, the first seven of which, in the order of votes received, members so elected shall serve for three years, the eighth in such order shall serve for two years, and the ninth in such order shall serve for one year, from the day of the annual

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## Chap. 30

town meeting. In case of a tie vote affecting the order of votes received as aforesaid, the members elected from the precinct shall by ballot determine the same. Thereafter, except as is otherwise provided herein, at each annual town election, the registered voters of each precinct shall elect for the term of three years, seven town meeting members and shall at such election fill for the unexpired term any vacancy then existing in the number of elected town meeting members in each precinct. The town clerk, shall after every election of town meeting members, forthwith notify each member by mail of his election.

**SECTION 3.** This act shall take effect upon its passage.

Approved February 17, 2000.

## Chapter 31. AN ACT RELATIVE TO THE REQUIREMENTS FOR IN-SERVICE PHYSICAL FITNESS STANDARDS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is relative to the requirements for in-service physical fitness standards, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 61A of chapter 31 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words "within thirty days of the appointment".

**SECTION 2.** Said section 61A of said chapter 31, as so appearing, is hereby further amended by striking out, in line 23, the words "sixty days" and inserting in place thereof the following words:- 16 weeks.

**SECTION 3.** Said section 61A of said chapter 31, as so appearing, is hereby further amended by striking out, in line 45, the word "two" and inserting in place thereof the following word:- four.

**SECTION 4.** Said section 61A of said chapter 31, as so appearing, is hereby further amended by striking out, in line 51, the words "sixty days" and inserting in place thereof the following words:- 16 weeks,- and by striking out, in lines 53 and 54, the words "ninety days" and inserting in place thereof the following words:- 16 weeks.

**SECTION 5.** Said section 61A of said chapter 31, as so appearing, is hereby further amended by striking out, in lines 55 and 56, the words "appointment shall be terminated or not renewed as the case may be" and inserting in place thereof the following:- appointing authority shall be notified and his employment status shall be terminated, subject only to the procedural requirements of the applicable collective bargaining agreement or section 41. The sole substantive issue for determination by an arbitrator, administrative law judge, civil service commissioner or personnel administrator pursuant to this paragraph, shall be whether



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## **Chap. 31**

conditions beyond the control of the employee mitigate sufficiently against termination and warrant a subsequent reexamination at a time determined by the arbitrator, administrative law judge, civil service commissioner, or personnel administrator within one year of the decision. Reexamination shall be the sole and exclusive remedy available to the arbitrator, administrative law judge, civil service commissioner, or personnel administrator.

**SECTION 6.** The fifth paragraph of said section 61A of said chapter 31, as so appearing, is hereby amended by striking out the sixth and seventh sentences.

Approved February 18, 2000.

## **Chapter 32. AN ACT RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF THE STATEWIDE VIETNAM VETERANS MEMORIAL AT GREEN HILL PARK IN THE CITY OF WORCESTER.**

*Be it enacted, etc., as follows:*

Chapter 2 of the General Laws is hereby amended by striking out section 34, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 34. The memorial to be constructed and maintained in the city of Worcester at Green Hill Park by the department of veterans' services and the city of Worcester in cooperation with The Commonwealth of Massachusetts Vietnam Veterans' Memorial Trust, Incorporated shall be the official memorial of the commonwealth to honor the Vietnam veterans of the commonwealth.

Approved February 18, 2000.

## **Chapter 33. AN ACT AUTHORIZING THE SALE OF INNOVATIVE INSURANCE AND FINANCIAL PLANNING PRODUCTS.**

*Be it enacted, etc., as follows:*

Section 22A of chapter 175 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- Nothing in this section shall prohibit combining the following coverages, by rider or otherwise, within a single policy or contract: (a) life or endowment insurance or annuity, survivorship annuity or pure endowment insurance subject to section 132 and (b) any form of accident and sickness insurance subject to section 108.

*Emergency Letter: February 18, 2000 @ 3:54 P.M.*

Approved February 18, 2000.

**Chapter 34. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to make or supplement certain appropriations for the fiscal year ending June 30, 2000 and to make certain changes in the law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for certain unanticipated obligations of the commonwealth, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth in sections 2 and 2A are hereby appropriated from the general fund unless specifically designated otherwise for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**OFFICE OF CONSUMER AFFAIRS**  
*Alcoholic Beverages Control Commission.*

7006-0100 ..... \$160,800

**SECTION 2A.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
*Reserves.*

1599-0046 For a reserve for the payment of certain court judgments, settlements and legal fees, in compliance with regulations promulgated by the comptroller; provided, that not less than \$17,198,343 shall be expended for certain actions pertaining to the taking of land through agencies within the executive office of environmental affairs; and provided further, that not less than \$34,250,000 shall be expended for the settlement agreement in Patricia I. Barletta and John G. Bulman, as Trustees of the Vincent D. Barletta 1971 Trust v. Division of Capital Asset Management and Maintenance of the Commonwealth of Massachusetts, Worcester Superior Court C.A. No. 99-0657 C ..... \$51,748,343

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

7004-1000 For a one-time state supplement to the federal Low Income Home Energy Assistance Program for the purpose of assisting low income elders, working families and other households with the purchase of heating oil and propane; provided, that funds from this item shall not be expended until all federal funds available for said purpose have been obligated for said purpose; provided further, that all assistance awarded by said program shall be expended in the following order of priority: (1) all eligible households not previously awarded assistance by said federal program; (2) working families with incomes between 175 and 200 per cent of the federal poverty level; and (3) households previously awarded federally-funded assistance in fiscal year 2000; provided further, that the department may increase the maximum assistance for which a household is eligible to reflect the need of such household; and provided further, that any additional federal funds allocated to said program received after March 15, 2000 shall reimburse the general fund for expenditures made from this item . . . . . \$12,000,000

**SECTION 3.** Section 31 of chapter 29 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 6, the words "Weekly advances" and inserting in place thereof the following word:- Advances.

**SECTION 4.** Said section 31 of said chapter 29, as so appearing, is hereby further amended by striking out, in lines 36, 41 and 49, the word "weekly", each time it appears.

**SECTION 5.** Said section 31 of said chapter 29, as so appearing, is hereby further amended by striking out, in line 7, the word "shall" and inserting in place thereof the following word:- may.

**SECTION 6.** Item 1599-7015 in section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out the words "provided further, that no more than ten probation officers-in-charge" and inserting in place thereof the following words:- provided further, that not more than 24 probation officers-in-charge.

**SECTION 7.** Item 7006-0100 of said section 2 of said chapter 127 is hereby amended by adding the following words:- ; and provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be not less than eight investigators employed by the commission for the purpose of investigating and enforcing the alcoholic beverages laws.

**SECTION 8.** The director of consumer affairs and business regulation, in collaboration with the division of energy resources and the department of telecommunications and energy, shall report on and make recommendations relative to initiatives the commonwealth

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## Chap. 34

might undertake to improve its preparedness and prevent shortfalls in the stockpiling and distribution of residential home heating oil for the winter of 2000 to 2001, inclusive. The report shall consider, but not be limited to, initiatives that: (1) improve the forecasting of prices, inventories and other obstacles to the reasonable pricing and delivery of home heating oil; (2) facilitate the coordination of information and resources with federal agencies, oil wholesalers and retailers, oil purchasing collectives and media outlets; and (3) allow for priority deliveries of oil to residential users during peak demand periods away from commercial and industrial users to ensure adequacy of supply. The report shall recommend policies, programs or legislation necessary to effectuate any such initiatives and shall include a projection of any additional fiscal or other resources necessary to improve the preparedness of the commonwealth in preventing shortfalls and accompanying price hikes. The report shall be submitted to the secretary of administration and finance, the joint committee on energy and the house and senate committees on ways and means not later than March 10, 2000.

**SECTION 9.** Notwithstanding the provisions of section 22C of chapter 32 of the General Laws or any other general or special law to the contrary, the comptroller shall, on or before March 1, 2000, transfer \$50,000,000 from the general fund to the Pension Reserves Investment Trust Fund established in subdivision (8) of section 22 of said chapter 32. Such transfer shall supplement the amount appropriated in item 0612-1010 of section 2 of chapter 127 of the acts of 1999 for the sole purpose of reducing previously unknown liabilities resulting from the transition to new actuarial software by the public employee retirement administration commission.

**SECTION 10.** Sections 3, 4 and 5 shall take effect as of January 1, 2000.

Approved February 25, 2000.

## Chapter 35. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO CONVEY CERTAIN EASEMENTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** The board of selectmen of the town of Braintree may grant to Hazeltine Corp. easements and a right of way across certain parcels of town owned land, currently used for open space purposes. The parcels are shown as plots 12 and 12B on Assessors' Plan #3063. The right of way shall be no more than 40 feet wide as shown on a plan dated April 13, 1998 by Harry R. Feldman, Inc.

**SECTION 2.** This act shall take effect upon its passage.

Approved February 25, 2000.



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**Chapter 36. AN ACT AUTHORIZING THE TOWN OF NORTON TO USE CERTAIN LAND FOR PASSIVE RECREATION PURPOSES.**

*Be it enacted, etc., as follows:*

Chapter 163 of the acts of 1994 is hereby repealed.

Approved February 25, 2000.

**Chapter 37. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO RELEASE A CERTAIN EASEMENT.**

*Be it enacted, etc., as follows:*

The town of Kingston may release a certain easement under the care and control of the conservation commission of the town over land owned by Roger A. Correia. The easement is shown on a plan of land entitled "Plan of Land in Kingston, Mass.", drawn by Vautrinot and Webby, dated February 8, 1980, recorded in the Plymouth county registry of deeds in Plan Book 21, Page 927.

Approved February 25, 2000.

**Chapter 38. AN ACT DESIGNATING THE ORANGE PEACE STATUE AS THE OFFICIAL PEACE STATUE OF THE COMMONWEALTH.**

*Be it enacted, etc., as follows:*

Chapter 2 of the General Laws is hereby amended by adding the following section:-  
Section 45. A memorial statue built in the town of Orange in recognition of veterans who served in World War I and designated as the Orange Peace Statue shall be the official peace statue of the commonwealth.

Approved February 25, 2000.

**Chapter 39. AN ACT RELATIVE TO THE TOWN OF TISBURY.**

*Be it enacted, etc., as follows:*

The town of Tisbury may pay an amount not to exceed \$9,092 to the Martha's Vineyard Historical Society, a 501(c)(3) corporation located in said town through 1997, for the reimbursement of real estate taxes paid for fiscal years 1995 and 1997 on Assessors Parcel 7-F-16 at 18 Beach street, also known as the Jirah Luce House. Said town of Tisbury

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may also appropriate and transfer the sum for said payment from the Unreserved Fund Balance.

Approved March 2, 2000.

## Chapter 40. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF NORTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** The charter of the town of Norton is hereby amended by striking out section 1-3 and inserting in place thereof the following section:-

### **SECTION 1-3: POWERS OF THE TOWN**

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution of the commonwealth, it is the intent and the purpose of the voters of Norton to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the commonwealth.

**SECTION 2.** Said charter is hereby further amended by striking out section 1-6 and inserting in place thereof the following section:-

### **SECTION 1-6: INTERGOVERNMENTAL RELATIONS**

Subject to the applicable requirements of any provision of the constitution of the commonwealth, the town of Norton may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

**SECTION 3.** Section 1-7 of said charter is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) *Days* - In computing any period of time prescribed or allowed by this charter the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period of time is less than seven days, Saturdays, Sundays, and legal holidays shall not be counted. When the time is seven days or more, every day shall be counted.

**SECTION 4.** Said section 1-7 of said charter is hereby further amended by striking out subsections (f), (g) and (h) and inserting in place thereof the following three subsections:-

(f) *Local Newspaper* - The words "local newspaper" shall mean a daily or weekly newspaper with an audited circulation of at least 1,500 people in the town of Norton.

(g) *Majority Vote* - The words "majority vote" shall mean a vote requiring a majority

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## Chap. 40

of those members of a multiple member body present and voting, provided a quorum is present. Those abstaining or voting present will not be counted as voting, although they will be counted towards a quorum.

(h) *Multiple Member Body* - The words "multiple member body" shall mean any town agency consisting of two or more members, whether elected or appointed.

**SECTION 5.** Section 2-7 of said charter is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following two subsections:-

(a) *Initiation* - The board of selectmen shall receive at any time all petitions addressed to it which request the submission of any article to the town meeting. They must include on the next warrant any articles which are filed by any elected town officer, any multiple member body acting by a majority vote of its members and ten registered voters for an annual town meeting and any 100 registered voters for a special town meeting.

(b) *Referral* - Upon the closing of any town meeting warrant, the board of selectmen shall immediately cause a copy of the articles received to be forwarded to the finance committee and be posted on the town bulletin board, in addition to any other distribution required by general law or by-law.

**SECTION 6.** Said charter is hereby further amended by striking out section 2-8 and inserting in place thereof the following section:-

### **SECTION 2-8: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS**

All town officers, board or committee chairmen, and department and division heads, or a designee of any of these, shall attend all sessions of town meeting at which warrant articles pertinent to their agency may be acted upon. They will be prepared to provide the meeting with all pertinent information available regarding any warrant article which in any way involves or affects their agency or committee. If any official or designee is not a voter of the town, said person shall, notwithstanding, have the right to address the meeting for the purpose of compliance with this section.

**SECTION 7.** Section 3-1 of said charter is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) *Eligibility* - Unless specifically prohibited by this charter or by by-law, any voter shall be eligible to hold any elective town office; provided, however, that no person shall simultaneously hold more than one elected office as defined in subsection (a) of this section.

**SECTION 8.** Said section 3-1 of said charter is hereby further amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) *Coordination* - Notwithstanding their election by the voters, the town officers named in this section shall be required to meet with the board of selectmen or the town manager at the request of same, at any reasonable time, for consultation and discussion on any matter relating to their respective offices.

**SECTION 9.** Subsection (h) of said section 3-1 of said charter is hereby amended by striking out paragraphs (2) and (3) and inserting in place thereof the following two paragraphs:-

(2) *Recall Petition* - Any 100 voters may file with the town clerk an affidavit bearing the name of the officer sought to be recalled and a statement of the grounds for recall. These affidavits must be returned within 14 days of receiving original affidavits from the town clerk. The town clerk shall review the affidavit within three days. If the signatures on the affidavit are found to be sufficient, the town clerk shall immediately make available to the first ten voters making the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. When issued the blanks shall contain the signature and the official seal of the town clerk and may be completed by printing or typewriting. They shall be dated, addressed to the selectmen, and shall contain the names of the ten persons first named on the said affidavit, the name of the person for which the recall is sought and what office they currently hold, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 30 days after the filing of the affidavit, or the next business day after the thirtieth day if said day falls on a Saturday, Sunday, or legal holiday during which the town offices are closed. The recall petitions shall have been signed by at least 15 per cent of the total number of people registered to vote in Norton as of the date of the most recent town election, not more than 50 per cent of which shall be voters in any one precinct into which the town is divided. In signing such petitions voters shall add to their signatures the street and number, if any, of their residence.

The town clerk shall submit the petition to the registrar of voters in the town within 24 hours after receiving same. The registrars shall forthwith, but in no event in more than five days, certify thereon the number of signatures which are the names of voters. If the petition shall be found and certified by the registrars of voters to be sufficient they shall submit same with their certificate to the board of selectmen within 24 hours.

(3) *Selectmen's Action on Receiving Petition* - Upon receipt of a certified petition from the registrars of voters, the board of selectmen shall, within 24 hours of receipt of said petition, cause written notice of the receipt of the certificate to be delivered to the officer sought to be recalled, or to the principal dwelling or legal address of said officer. Should the board of selectmen fail to fulfill this obligation, the town clerk shall immediately notify the officer named on the petition in the same prescribed manner. If the officer does not resign, in writing, within five days thereafter, the board of selectmen shall order an election to be held on a date fixed by it not less than 64 days nor more than 75 days after the date of the deadline for the officers resignation; provided, however, that said date meets all requirements of state election laws; provided, further, that if any other town election is to occur within 90 days after the date of the certificate, the board of selectmen shall postpone the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 10.** Said charter is hereby further amended by striking out section 4-1 and inserting in place thereof the following section:-



**SECTION 4-1: APPOINTMENT: QUALIFICATION: TERM**

The board of selectmen shall appoint a town manager from a list prepared by a screening committee as defined in this article, section 4-6. The board of selectmen shall appoint the town manager to serve for an indefinite term and shall fix the compensation for such person annually, within the amount appropriated by the town. The town manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The town manager shall be a person qualified by education, training and previous experience to perform the duties of the office. A town manager need not be a resident of the town or of the commonwealth at the time of appointment, nor at any time during the period of such service. The town manager shall not have served as a member of the board of selectmen in the town government for at least 12 months prior to appointment. The town may from time to time establish, by by-law, such additional qualifications as seem necessary and appropriate.

The town manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor be actively engaged in any other business or occupation during such service, unless the action is approved in advance and in writing by the board of selectmen. The board of selectmen shall provide for an annual review of the job performance of the town manager which shall, at least in summary form, be a public record.

**SECTION 11.** Section 4-2 of said charter is hereby amended by striking out subsection (n) and inserting in place thereof the following subsection:-

(n) To inquire, at any time, into the conduct of office or performance of duties of any officer or employee, department, board, commission or other town agency, whether appointed or elected.

**SECTION 12.** Section 4-4 of said charter is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) *Powers and Duties* - The powers and duties of a temporary or acting town manager, under subsections (a) and (b), shall be limited to actions which, if delayed, would result in the inability of town government to function properly and efficiently. This shall include the authority to make temporary, emergency appointments or designations to town office or employment, but not to make permanent appointments or designations. It shall also include the authority to formulate and submit a budget in accordance with the rules and requirements of this charter, if necessary.

**SECTION 13.** Section 4-5 of said charter is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The board of selectmen shall adopt a preliminary resolution of removal by the affirmative vote of four of its members which must state the reason or reasons for removal. This preliminary resolution may suspend the town manager for a period not to exceed 45 days. A copy of the resolution shall be delivered to the town manager or to his principal place of dwelling or legal address within 24 hours from the time it is approved.

**SECTION 14.** Said charter is hereby further amended by inserting after section 4-5 the following section:-



**SECTION 4-6: SCREENING COMMITTEE**

Upon the resignation or removal of the town manager, the board of selectmen shall immediately call for the formation of a screening committee for the purpose of soliciting, receiving and evaluating applications for the position of town manager. Said screening committee shall require that all candidates have at least the qualifications required by by-law or in the job description for the position of town manager.

The screening committee shall consist of nine people who shall be chosen as follows: the board of selectmen, the school committee, the board of assessors, the planning board, and the finance committee shall each designate one person, and four people will be chosen by the town moderator. Three of the people appointed by the moderator must not hold any other appointed or elected town position. People appointed by the town agencies may, but need not be, members of the agency by which they are designated. Appointments made by the town moderator shall be last in time in order that in making the appointments the moderator may, insofar as it may be feasible to do so, appoint people who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the town. No more than 30 days after the date such vacancy, or pending vacancy, becomes known the town clerk shall call and convene a meeting of the several persons who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient. Not more than 150 days following the date on which the committee meets to organize, the committee shall submit to the board of selectmen the names of not less than three nor more than five persons, plus two alternate names, whom it believes to be best suited to perform the duties of the office of town manager.

Within 30 days following the date the list of nominees is submitted to it the board of selectmen shall choose one of the said nominees to serve as town manager. In the event the board of selectmen shall fail to make an appointment within the said 30 days the screening committee shall, forthwith, appoint the town manager.

**SECTION 15.** Section 5-1 of said charter is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) *By-laws* - Subject only to the provisions of this charter, the town meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or assigned to any other town agency, unless this charter specifically so provides.

**SECTION 16.** Subsection (b) of said section 5-1 of said charter is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The town manager may, through the administrative code, and subject only to express prohibition in this charter, reorganize, consolidate or abolish any town agency, in whole or in part: establish such new town agencies as is deemed necessary to the same extent as is provided in subsection (a) of this section, for by-laws: and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or assigned to any other town agency unless this charter specifically so provides.

**SECTION 17.** Said charter is hereby further amended by striking out section 7-7 and inserting in place thereof the following section:-

**SECTION 7-7: PERIODIC REVIEW, CHARTER AND BY-LAWS**

(a) *Charter Review* - At least once in every ten years, and in every year ending in a zero if there does not already exist one, a special committee to consist of nine members shall be established for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members who will be chosen as follows: the board of selectmen, the school committee, the planning board, and the board of assessors shall each designate one person, the finance committee shall designate two people, and three people shall be appointed by the town moderator. People appointed by the said agencies, may, but need not, be members of the agency by which they are designated. The people appointed by the town moderator shall be voters not otherwise involved in town government as a member of any appointed or elected town agency. The committee shall meet to organize within 30 days of the call by the selectmen to establish the committee, notwithstanding the failure of any agency to make their designated appointment.

(b) *By-law review* - In each year ending in a five or a zero the board of selectmen shall appoint a special committee for the purpose of drafting a proposal for the revision and recodification of all by-laws of the town. This committee will present its proposal to the selectmen who will include it on the warrant for the fall annual town meeting. The proposal must appear on the warrant no later than the year following the one in which the committee was formed. This committee shall have their proposal reviewed by town counsel or by special counsel retained for this purpose. Copies of the revised by-laws shall be made available for distribution to the public at a charge not to exceed the actual per copy cost of reproduction.

**SECTION 18.** Section 7-8 of said charter is hereby amended by striking out subsections (e) and (f) and inserting in place thereof the following two subsections:-

(e) *Quorum* - A majority of the members of a multiple member body then in office shall constitute a quorum. A number of members of a multiple member body that is less than a quorum may meet from time to time in order to compel the attendance of absent members

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in the manner and subject to the penalties prescribed by the rules of the multiple member body or this charter. No other action taken by a multiple member body that meets with less than a quorum shall be valid or binding unless ratified by a majority vote of the multiple member body meeting with a quorum present.

(f) *Composition of Multiple Member Bodies* - All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as possible will expire each year.

**SECTION 19.** Said charter is hereby further amended by striking out section 8-5 and inserting in place thereof the following section:-

### *SECTION 8-5: CONTINUATION IN OFFICE*

All town officers and members of all boards, committees, and commissions who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall serve out the balance of the term for which they were elected, subject to their retirement or resignation. Their successors shall be appointed.

**SECTION 20.** Said charter is hereby further amended by adding the following section:-

### *SECTION 8-6: TOWN ADMINISTRATIVE ORGANIZATION*

Until such time as a different form of organization shall be provided, in accordance with the provisions of article 5 of this charter, the following outline of organization shall be operative, though possibly not complete:

The board of selectmen shall appoint:

- A town manager
- A town counsel
- A town accountant
- A board of health
- A conservation commission
- A board of registrars of voters and other election officers
- A zoning board of appeals
- A council on aging
- An industrial development commission
- A commission on handicapped affairs
- An industrial development financing authority
- A fair housing committee
- A cable television committee
- Constables
- An emergency management director and related personnel
- An arts lottery council
- An historic district commission
- A Norton historical commission

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A cemetery commission  
A solid waste advisory committee  
A park and recreation committee.

The town manager shall appoint:

A police chief and police officers  
A fire chief and other firefighters  
An inspector of buildings  
A wiring inspector  
A gas inspector  
A plumbing inspector  
A dog officer  
A sealer of weights and measures  
A parking clerk  
A tree warden  
A right-to-know coordinator  
A veterans agent  
A human resource director.

**SECTION 21.** This act shall be submitted for acceptance to the voters of the town of Norton at the annual town election to be held in the year 2000 in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election:

"Shall an act passed by the General Court in the year 2000 entitled 'An Act relative to the charter of the town of Norton', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, sections 1 to 20, inclusive, of this act shall take effect, but not otherwise.

**SECTION 22.** Section 21 shall take effect upon its passage.

Approved March 9, 2000.

## Chapter 41. AN ACT PROVIDING FOR THE APPOINTMENT OF A TREASURER/COLLECTOR IN THE TOWN OF NORTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection (a) of section 3-1 of the charter of the town of Norton, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out, in lines 4 and 5, the words "a town collector-treasurer".

**SECTION 2.** Section 3-6 of said charter is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-



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(a) *Term of Office.* There shall be a town collector/treasurer appointed in accordance with the provisions of subsection (b) of section 4-2.

**SECTION 3.** This act shall be submitted for acceptance to the voters of the town of Norton at the next subsequent annual town election in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election:

"Shall an act passed by the General Court in the year 2000 entitled 'An Act providing for the appointment of a treasurer/collector in the town of Norton', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, sections 1 and 2 of this act shall therefore take full effect, but not otherwise.

**SECTION 4.** Section 3 shall take effect upon its passage.

Approved March 9, 2000.

## Chapter 42. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF THE MONTH OF MARCH AS IRISH-AMERICAN HERITAGE MONTH.

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15EEEE, inserted by chapter 97 of the acts of 1999, the following section:-

Section 15FFFF. The governor shall annually issue a proclamation setting apart the month of March as Irish-American Heritage Month, in recognition of the significant contributions Irish-Americans have made to the commonwealth and to the United States. The governor may include such contributions as he shall see fit in such proclamation, after consultation with Irish-American groups, and shall recommend that said month be observed in an appropriate manner by the people.

Approved March 16, 2000.

## Chapter 43. AN ACT RELATIVE TO AFFORDABLE HOUSING IN THE TOWN OF PROVINCETOWN.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of section 5 of chapter 293 of the acts of 1998, the town of Provincetown may expend funds received under the provisions of said chapter 293 for affordable housing purposes. However, funds for purposes of affordable housing shall not exceed 10 per cent of the total funds received under said chapter 293.

**SECTION 2.** This act shall be submitted to the voters of said town at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used at said election:



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"Shall an act passed by the general court in the year 2000 entitled, 'An Act relative to affordable housing in the town of Provincetown', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, then section 1 of this act shall thereupon take effect, but not otherwise.

**SECTION 3.** Section 2 of this act shall take effect upon its passage.

Approved March 16, 2000.

## Chapter 44. AN ACT PROVIDING FOR THE LICENSING OF PERFUSIONISTS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 13 of the General Laws is hereby amended by inserting after section 11D the following section:-

Section 11E. There shall be a board of registration of perfusionists, herein called the board, to consist of seven members who shall be residents of the commonwealth, to be appointed by the governor who, in his discretion, may seek advice from the Massachusetts Society of Perfusion, or its successor. Four members shall be perfusionists licensed for two years in accordance with the provisions of section 213 or section 217 of chapter 112. Two members shall be licensed physicians, one of whom shall be actively engaged as a cardiovascular surgeon and one of whom shall be an anesthesiologist actively engaged in the practice of cardiac anesthesia, and one member shall be a representative of the general public. No member shall be an employee of a trade association in the field of health care and no member who is a representative of the general public shall be engaged in the practice of any health care profession.

Members shall be appointed for terms of three years. No member shall be appointed to more than two consecutive full terms but a member appointed for less than a full term may serve two full terms in addition to such part of a full term and a former member shall again be eligible for appointment after a lapse of at least one year. A member may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard.

The board shall, at its first meeting and annually thereafter, elect from among its members a chairman, vice chairman and secretary. Officers shall serve until successors are elected and qualified. The board shall meet at the call of the chairman or upon request of four members of the board. The board shall meet at least two times annually. A quorum shall consist of four members present. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

**SECTION 2.** Chapter 112 of the General Laws is hereby amended by adding the following nine sections:-

### REGISTRATION AND LICENSING OF PERFUSIONISTS.

Section 211. As used in this section and sections 212 to 219, inclusive, the following words shall, unless the context otherwise requires, have the following meanings:-

"American Board of Cardiovascular Perfusion", the national agency for certification and recertification of clinical perfusionists.

"Board", the board of registration in perfusion established in section 11E of chapter 13.

"Extracorporeal circulation", the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidneys, liver or other organs.

"Licensed perfusionist", a person licensed under sections 212 to 219, inclusive.

"Perfusion", the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular, circulatory or respiratory system or other organs or a combination of those activities and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician including:

(1) the use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation and associated therapeutic and diagnostic technologies;

(2) counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support and isolated limb perfusion;

(3) the use of techniques involving blood management, advanced life support and other related functions; and

(4) in the performance of the acts described in this clause:

(i) the administration of pharmacological and therapeutic agents or blood products through the extracorporeal circuit or through an intravenous line as ordered by a physician and the administration of anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by and under the supervision of an anesthesiologist;

(ii) the performance and use of anticoagulation monitoring and analysis, physiologic monitoring and analysis, blood gas and chemistry monitoring and analysis, hematological monitoring and analysis, hypothermia, hyperthermia, hemoconcentration, hemofiltration and hemodilution;

(iii) the observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, perfusion protocols or changes in or the initiation of emergency procedures.

"Perfusion protocols", perfusion-related policies and protocols developed or approved by a licensed health care facility or a physician through collaboration with administrators, licensed perfusionists and other health care professionals.

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"Provisional licensed perfusionist", a person provisionally licensed under sections 213 to 219, inclusive.

Section 212. The board shall have the following powers and duties:

(a) to promulgate regulations and adopt such rules as are necessary to regulate the field and practice of perfusion and perfusionists;

(b) to receive, review, approve or disapprove applications for licensing and to issue licenses;

(c) to establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such agents as are appropriate for processing applications for licenses and license renewals;

(d) to retain records of its actions and proceedings in accordance with public records laws;

(e) to establish specifications for the licensing examination, which may be or may include the complete certification examination given by the American Board of Cardiovascular Perfusion, or its successor, and to provide or procure appropriate examination questions and answers and to establish examination procedures;

(f) to define by regulation the appropriate standards for education and experience necessary to qualify for licensing, including, but not limited to, continuing professional education requirements for licensed perfusionists and provisional licensed perfusionists, which shall be no less stringent than those of the American Board of Cardiovascular Perfusion, or its successor, as defined in section 211; and for the conduct and ethics which shall govern the practice of perfusion;

(g) to fine, censure, revoke, suspend or deny a license, place on probation, reprimand or otherwise discipline licensees for violations of the code of ethics or the rules of the board in accordance with the provisions of section 215 but the board shall not have the power of subpoena as established pursuant to section 12 of chapter 30A;

(h) to summarily suspend the license of a licensee who poses an imminent danger to the public but a hearing shall be afforded to the licensee within seven days of an action by the board to determine whether such summary action is warranted; and

(i) to perform such other functions and duties as may be required to carry out the provisions of this section and sections 213 to 219, inclusive.

Section 213. An application for original license, a license renewal or for the licensing examination shall be made on forms approved by the board and accompanied by the appropriate fee.

The fee for original license and renewal shall be determined by the secretary of administration and finance.

An application for original license shall be sworn and shall furnish satisfactory proof that an applicant is at least 18 years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

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Requirements for licensing shall include:

(1) successful completion of a perfusion education program approved by the board provided that the program has educational standards that are no less stringent than those established by the Accreditation Committee for Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs, or its successor, and provided also that the board shall require continuing education as a condition for license renewals;

(2) passing a written competency examination approved by the board. The examination shall test the applicant's knowledge of basic and clinical sciences as they relate to perfusion theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a perfusionist. The board may utilize a national examination that meets the requirements of this section; and

(3) completion of such experience as may be required by the board.

Section 214. Applicants approved by the board as having met the age, character, education and experience requirements for licensing may take the licensing examination upon filing an application with the board. The board may adopt a regulation requiring that upon attaining a passing score on the licensing examination, the applicant shall apply for a license within two years of the date of passing the examination by paying the required fee and filing the proper application with the board. The regulation may provide that failure to apply for a license within two years of taking the examination shall result in the application being denied and the applicant being reexamined at his own expense. An applicant who fails the licensing examination may be reexamined by filing a new examination application fee with the board or its agent.

A person who meets the qualifications to be admitted to the approved examination for licensure as a perfusionist may, between the date of filing an application for licensure and the announcement of the results of the next succeeding examination, practice as a provisionally licensed perfusionist provided that he files an approved application with the board and pays a fee determined by the secretary of administration and finance. The board may grant a provisional license to a person who successfully completes a perfusion education program approved by the board and is qualified to be admitted to the examination. Such license shall be valid for one year from the date of its issue and may be renewed for an additional year and shall automatically expire at the end of such time if the applicant fails to pass the complete examination. An application for extension shall be signed by a supervising licensed perfusionist. A provisionally licensed perfusionist shall be under the supervision and direction of a licensed perfusionist at all times during which the provisionally licensed perfusionist performs perfusion. The board shall adopt rules governing such supervision and direction which may not require the immediate physical presence of the supervising licensed perfusionist.

Section 215. The board may deny or refuse to renew a license or, after a hearing pursuant to chapter 30A, revoke, suspend or cancel the license or place on probation, reprimand,



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censure or otherwise discipline a licensee upon proof satisfactory to a majority of the board that the person:

- (a) has obtained or attempted to obtain a license by fraud or deception;
  - (b) has been convicted of a felony under state or federal law, or committed any other offense involving moral turpitude;
  - (c) has been adjudged mentally ill or incompetent by a court of competent jurisdiction;
  - (d) has used drugs or intoxicating liquors to the extent which adversely affects his practice;
  - (e) has engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;
  - (f) has violated any lawful order, rule or regulation rendered or adopted by the board;
- or
- (g) has been refused issuance or been disciplined in connection with a license issued by any other state or country.

Section 216. No person shall hold himself out as a perfusionist or as being able to practice perfusion services in the commonwealth unless he is licensed in accordance with sections 213 to 219, inclusive. No person who is not so licensed may use the letters LP or PLP or any other words or abbreviations indicating he is a licensed perfusionist or provisionally licensed perfusionist.

Nothing in this section shall be construed to prevent or restrict the practice, service or activities of:

- (a) any person licensed in the commonwealth by any other statute from engaging in activities within the scope of practice of the profession or occupation for which he is licensed provided that he does not represent to the public, directly or indirectly, that he is licensed under sections 213 to 219, inclusive, and that he does not use any name, title or designation indicating that the person is licensed under said sections 213 to 219, inclusive;

- (b) any person employed as a perfusionist by the federal government or an agency thereof if such person provides perfusion services solely under the direction and control of the organization by which he is employed;

- (c) a student enrolled in an accredited perfusion education program if perfusion services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed perfusionist assigned to supervise the student and who is on duty and immediately available in the assigned patient care area and if the person is designated by a title which clearly indicates his status as a student or trainee;

- (d) any person performing perfusion services in the commonwealth and who is certified by the American Board of Cardiovascular Perfusion if the activities are performed for not more than 14 days per calendar year in association with a perfusionist licensed under this section; or

- (e) any person performing autotransfusion who possesses appropriate training and practices within the American Association of Blood Banks' guidelines under the supervision



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of a licensed physician.

Section 217. The board may, without examination, license as a perfusionist any applicant who is duly licensed or certified under the laws of another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico if such applicant substantially meets the requirements for licensing as a perfusionist as set forth in section 213 or holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its successor. At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

Section 218. Nothing in sections 212 to 219, inclusive, shall be construed to authorize a perfusionist to practice medicine or any other form or method of healing not specified in said sections 212 to 219, inclusive.

Section 219. The board shall adopt reasonable rules and regulations to carry into effect sections 212 to 219, inclusive, and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons licensed or provisionally licensed by it under sections 213 to 219, inclusive. The roster shall include the licensee name, last known business and residential address, date of licensing and license number.

**SECTION 3.** Notwithstanding the provisions of section 11E of chapter 13 of the General Laws, the initial appointment of perfusionists to the board of registration of perfusionists, in accordance with section 1, shall consist of persons eligible for licensing as perfusionists who shall apply for and receive such licenses as perfusionists within 90 days after said board has issued its first license. The initial appointment to said board of one perfusionist, one surgeon and the member who represents the general public shall be for terms of two years.

**SECTION 4.** Notwithstanding the provisions of sections 211 to 219, inclusive, of chapter 112 of the General Laws, a person shall be eligible until September 1, 2000 to make application to the board and to receive a license if the person is actively engaged in the practice of perfusion consistent with said sections 211 to 219, inclusive, and if the person has at least five years of experience operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function provided that the five years of experience shall have occurred between September 1, 1991 and September 1, 1999.

Approved March 16, 2000.

## **Chapter 45. AN ACT PROVIDING FOR THE LAYING OUT AND ACCEPTANCE OF CERTAIN WAYS BY THE CITY KNOWN AS THE TOWN OF AGAWAM.**

*Be it enacted, etc., as follows:*

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Notwithstanding the provisions of any general or special law to the contrary, the city known as the town of Agawam may lay out and accept as public ways any of the ways listed in a document on file with the superintendent of public works in accordance with this act.

The street acceptance committee of the city shall hold public hearings on the issue of the laying out and acceptance as public ways of those ways so listed within 12 months after the effective date of this act, at which time interested persons shall be given an opportunity to be heard. At least 14 days before any such public hearing by the street acceptance committee, written notice of the intention of the city to lay out as public ways and the intention to hold a public hearing thereon shall be sent to the owners of land abutting or being a part of the ways so listed. Notice of the city's intention to lay out and accept the ways so listed shall also be published in a newspaper of general circulation in the city once in each of two successive weeks, the first publication to be not less than 14 days before any public hearing. The notice shall also be posted on the bulletin board at the city clerk's office for a period of not less than 14 days before a public hearing.

The street acceptance committee shall, within 14 days after a public hearing, vote as to which ways so listed should and should not be laid out and accepted as public ways by the city. Within 60 days of the referral by the street acceptance committee, the city council with concurrence of the mayor may then vote to adopt, amend or reject the proposal to lay out and accept as public ways any or all of the ways listed. If the city council, with concurrence of the mayor, approves the proposal by a two-thirds vote, the ways so listed shall be considered laid out and shall be accepted as public ways.

Approved March 25, 2000.

## **Chapter 46. AN ACT RELATIVE TO THE AGENCY POWERS OF BANKS TO PROVIDE CERTAIN BANKING TRANSACTIONS AND TO SHARE OFFICE LOCATIONS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 5 of chapter 167C of the General Laws is hereby repealed.

**SECTION 2.** Said chapter 167C is hereby further amended by adding the following section:-

Section 11. A bank, may receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations in the commonwealth or in any other state as an agent for another banking institution, whether located within the commonwealth or in another state. The banking institution acting as such agent shall not be deemed to be a branch of the principal banking institution. A banking institution acting as such agent shall not conduct any activity which it would be prohibited from conducting as a principal under any state or federal law, or, as a principal, have any such agent conduct any activity

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which such institution would be prohibited from conducting under any state or federal law. Any such agency relationship shall be consistent with safe and sound banking practices and all applicable regulations of the commissioner.

For the purposes of this section, a banking institution shall mean a bank, federal bank, foreign bank, out-of-state bank and an out-of-state federal bank as such terms are defined in section 1 of chapter 167.

Approved March 25, 2000.

## **Chapter 47. AN ACT RELATIVE TO BUSINESS LOANS.**

*Be it enacted, etc., as follows:*

Section 11 of chapter 167E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:

(b) any real estate as collateral security for a commercial or business loan, but any second mortgage taken as primary security for any such loan shall be in accordance with guidelines established by the commissioner.

Approved March 25, 2000.

## **Chapter 48. AN ACT RELATIVE TO DECEASED DEPOSITORS.**

*Be it enacted, etc., as follows:*

Section 33 of chapter 167D of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Deposits standing in the individual name of a deceased depositor of a bank or federally chartered bank shall be paid to his legal representative, but if the deposit does not exceed \$10,000 and there has been no demand for payment from a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer of the bank or federally chartered bank, or pursuant to special vote of its board, after the expiration of 30 days from the death of such depositor, to the surviving spouse of said deceased depositor or if there be no surviving spouse, to the next of kin of such deceased upon presentation of a copy of the decedent's death certificate and the surrender of the deposit book or other instrument, if any, evidencing the deposit.

Approved March 25, 2000.

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**Chapter 49. AN ACT RELATIVE TO RENEWAL DATE OF LICENSES ISSUED BY THE BOARD OF REGISTRATION OF HEARING INSTRUMENT SPECIALISTS.**

*Be it enacted, etc., as follows:*

Subsection (e) of section 197 of chapter 112 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Notwithstanding the foregoing, each license originally issued to an individual shall be valid until April first of the odd numbered year next occurring more than 24 months from the date of issuance.

Approved March 25, 2000.

**Chapter 50. AN ACT RELATIVE TO OPEN-END MORTGAGE LOANS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 96 of chapter 140 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

This section shall not apply to loans that are subject to section 90A or section 28B of chapter 183.

**SECTION 2** Paragraph 7B of subsection B of section 2 of chapter 167E of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The interest rate on any such loan and any delinquency charge thereon on any payment not paid in full within 15 days of its due date shall be governed by section 114B of chapter 140.

**SECTION 3.** Clause 11 of the seventh paragraph of section 65 of chapter 171 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- The interest rate on any such loan and any delinquency charge thereon on any payment not paid in full within 15 days of its due date shall be governed by section 114B of chapter 140.

**SECTION 4.** Section 28B of chapter 183 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- As used in this section an open-end mortgage shall mean a mortgage of real estate the terms of which provide that it secures a sum lent by the mortgagee to the mortgagor from time to time pursuant to an open-end credit plan as defined in section 1 of chapter 140D, but the interest rate on any such loan and any delinquency charge thereon on any payment not paid in full within 15 days of its due date shall be governed by section 114B of chapter 140.

**SECTION 5.** Section 2 of chapter 255E of the General Laws, as so appearing, is hereby amended by striking out, in lines 22 to 24, inclusive, the words ", a company licensed to carry on the business of making small loans under the provisions of section ninety-six of chapter one hundred and forty".

Approved March 25, 2000.



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**Chapter 51. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the licensing authority of the town of Scituate may issue to Petit Paris, a restaurant, a license to sell all alcoholic beverages to be drunk on the premises under the provisions of section 12 of said chapter 138. Such license shall be subject to all the provisions of said chapter 138 except said section 17.

Approved March 29, 2000.

**Chapter 52. AN ACT RELATIVE TO THE MONTAGUE CENTER FIRE DISTRICT IN THE TOWN OF MONTAGUE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 431 of the acts of 1941 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Montague, liable to taxation in said town and residing within the territory enclosed by the following boundary lines, to wit: Beginning at a point in the Connecticut River, being the intersection of the Sunderland and Montague town lines; thence proceeding in a northerly direction along the Connecticut River to the northwest corner of Lot #44 on Montague Assessors Map #26; thence proceeding in an easterly direction along the northerly boundary of said Lot #44 to a point at the intersection of Greenfield Road; thence proceeding southerly along Greenfield Road to the intersection of Randall Road; thence proceeding southerly and crossing Greenfield Road to the intersection of Randall Road; thence continuing along the southerly side of Randall Road to the northeast corner of Lot #2 on said Map #26, excluding Lots #42, #43 and #3; thence continuing southerly along the easterly boundary of said Lot #2 to the northwest corner of Lot #20 on said Map; thence continuing in an easterly direction along the northerly boundary of said Lot #20 to the intersection of Turners Falls Road; thence continuing southerly along the west side of Turners Falls Road to the intersection of Bartlett Road; thence crossing Turners Falls Road to Bartlett Road and continuing easterly along the southerly side of Bartlett Road to the northwest corner of Lot #14 on said Map; thence continuing southerly along the westerly side of said Lot #14 to the intersection of Plains Road; thence crossing Plains Road to Lot #38 on Montague Assessors Map #27; thence continuing easterly on Plains Road to Lot #38 on said Map; thence proceeding southerly along the easterly side of said Lot #38 to a point where it intersects with Lot #2 on Montague Assessors Map #33; thence including all of Montague Assessors Map #33, except Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, and 24; thence continuing said description at a point where the easterly line of Lot #20 on Montague Assessors Map #33 meets the easterly side of Lake



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Pleasant; thence continuing southerly along the easterly side of Lake Pleasant, and including all of Montague Assessors Maps #36 and #37 to a point on the southwesterly corner of Lot #57 on Montague Assessors Map #34 to where it intersects with the Boston and Maine Railroad; thence crossing the Boston and Maine Railroad to a point on the westerly side of Lot #53 on Montague Assessors Map #40; thence continuing northeasterly on the westerly side of Lot #53 to the intersection of Lot #52 on Montague Assessors Map #34; thence continuing southeasterly along the southerly side of Lot #52 to the intersection of Federal Street, excluding Lot #58 on said Map #34; thence crossing Federal Street to a point on Lot #51 on said map and proceeding southerly along the easterly side of Federal Street, excluding Lot #51 on said Map, to the intersection of Lot #67; thence proceeding easterly along the northerly side of Lot #67 to the Vermont Central Railroad; thence proceeding southwesterly along the westerly side of the Vermont Central Railroad to the northwesterly intersection of Lot #6 on Montague Assessors Map #45 and including all of Montague Assessors Map #45, except Lots #6, #7, and #8, to a point on Montague Assessors Map #46 at the northeasterly corner of Lot #4; thence proceeding southeasterly along the northerly boundary of Lot #4 on Montague Assessors Map #46 to the intersection of Lot #3; thence proceeding northerly along the westerly line of Lot #3 to the intersection of Lots #1, #2, and #3 on said Map #46; thence continuing in an easterly direction along the northerly boundary of said Lot #3 to a point; thence continuing southerly along the easterly side of said Lot #3 to the intersection of Lot #6; thence continuing easterly along the northerly line of Lot #6 to the intersection of Lot #8; thence continuing southerly along the westerly side of Lot #8 to the intersection of Lot #6; thence continuing easterly along the northerly line of said Lot #6 to the intersection of Lot #10 on said Map; thence northerly along the westerly side of Lot #10 to the intersection of Lot #9; thence easterly on the northerly side of Lot #10 and Lot #11 to a point on the westerly side of Lot #13; thence continuing northerly along the westerly side of Lot #13 to a point on the easterly side of Lot #9; thence continuing easterly on the northerly line of Lot #13 and Lot #14 to the intersection of Dry Hill Road; thence crossing Dry Hill Road to the northwesterly corner of Lot #78 on said Map #46; thence continuing southerly on Dry Hill Road along Lot #78 to Lot #30, excluding Lot #78 on said Map #46; thence northeasterly on the northerly line of Lot #30 to the intersection of Lot #31; thence southeasterly along the easterly side of Lot #30 to the southwesterly corner of Lot #68; thence easterly on the northerly line of Lot #68 to Wendell Road; thence southerly on the westerly side of Wendell Road to the Wendell town line, excluding Lots #36 and #74; thence southerly along the Montague/Wendell town line to the intersection of the Wendell, Montague and Leverett town lines; thence westerly along the Montague/Leverett town line to the intersection of Leverett, Montague and Sunderland town lines; thence westerly along the Sunderland/Montague town line to the place of beginning. Included in this description is all of Montague Assessors Maps #32, #38, #39, #40 and #53, shall constitute a fire district and are hereby made a body corporate by the name of the Montague Center Fire District, hereinafter called the district, for the purpose of supplying themselves with water and facil-

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ities for the extinguishment of fires and for no other purpose, with power to establish fountains and hydrants and to relocate and discontinue the same, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

**SECTION 2.** Upon the effective date of this act, ownership, possession and control of such personal property of the Lake Pleasant Water District that constitutes firefighting apparatus and equipment, shall pass to and be vested in the Montague Center Fire District without consideration or further evidence of transfer and shall thereafter be in the ownership, possession and control of the Montague Center Fire District. Specifically excluded from this personal property transfer are any hydrants and the water works system and any other personal property of the Lake Pleasant Water District not considered firefighting apparatus and equipment.

Approved March 29, 2000.

## **Chapter 53. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWNS OF WAREHAM AND BOURNE AS THE WILLIAM DALTON MEMORIAL BRIDGE.**

*Be it enacted, etc., as follows:*

The bridge on state highway routes 6 and 28 in the towns of Wareham and Bourne that spans the inlet to Buttermilk Bay shall be designated and known as the William Dalton Memorial Bridge, in honor of William Dalton and his years of dedication to the department of highways. The department of highways shall erect and maintain suitable markers bearing such designation in compliance with the standards of the department.

Approved March 29, 2000.

## **Chapter 54. AN ACT RELATIVE TO THE EMERGENCY MEDICAL SERVICES SYSTEM.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to improve forthwith the emergency medical services system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds and declares:

(1) it is in the public interest to promote a statewide, community-based EMS system that reduces premature death and disability from acute illness and injury through the coordination of local and regional emergency medical services resources throughout the continuum of care;

(2) the efficient and effective coordination of emergency medical services communications systems, personnel, equipment and facilities, at the scene, on the way to and within health care facilities, ensures the success of the emergency medical services system in preventing loss of life and reducing disability from illness and injury;

(3) the mission of the department of public health is to improve the health status of residents of the commonwealth and the emergency medical services system improvements authorized by this act provide for statewide access for all persons, residents and visitors, to an emergency medical services system that maintains high uniform standards of care and ensures the best possible patient outcomes;

(4) an emergency medical services system includes public sector and private sector providers certified, licensed, approved or designated by the department of public health to provide specific services, subject to established standards for such services, including, without limitation, facilities, equipment and staff qualifications, and standards for communications, medical direction and control, triage, data collection and system evaluation;

(5) uniform statewide emergency medical services standards should be established by the department of public health, in a community-based consensus building process, after consideration of the relevant standards established by nationally recognized agencies and organizations and enforced by such department;

(6) the emergency medical services system should be coordinated with and inclusive of other emergency response systems, including, without limitation, police departments, fire departments, the statewide emergency telecommunications board and the Massachusetts emergency management agency; and

(7) the emergency medical services system should ensure that the special needs of children and other special populations are recognized and provided for as an integral part of the system.

**SECTION 2.** Subsection (b) of section 1 of chapter 30B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out clauses (32) and (33) and inserting in place thereof the following three clauses:-

(32) energy aggregation contracts entered into by a political subdivision of the commonwealth for energy or energy related services arranged or negotiated by such subdivision on behalf of its residents;

(33) energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the commonwealth, for energy or energy related services; provided, however, that within 15 days of the signing of a contract for energy or energy related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said

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city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of telecommunications and energy, the division of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract; or

(34) a contract made in accordance with section 5 of chapter 111C.

**SECTION 3.** The General Laws are hereby amended by striking out chapter 111C and inserting in place thereof the following chapter:-

### **CHAPTER 111C.**

#### **EMERGENCY MEDICAL SERVICES SYSTEM.**

Section 1. (a) For the purpose of this chapter the following words shall, unless the context requires otherwise, have the following meaning:-

"Ambulance", any aircraft, boat, motor vehicle or any other means of transportation, however named, whether privately or publicly owned, which is intended to be used for, and is maintained and operated for, the response to and the transportation of sick or injured individuals.

"Ambulance service", the business or regular activity, whether for profit or not, of providing emergency medical services, emergency response, primary ambulance response, pre-hospital emergency medical care, with or without transportation, of sick or injured individuals by ambulance.

"Board", the emergency medical services system advisory board established under section 13.

"Commissioner", the commissioner of public health.

"Department", the department of public health.

"Emergency", a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by the individual, a bystander or an emergency medical services provider.

"Emergency medical services", the pre-hospital assessment and treatment and other services utilized in responding to an emergency or provided during the transport of patients to appropriate health care facilities as defined in regulations promulgated by the department.

"EMS", emergency medical services.

"EMS first responder", a person who has, at a minimum, successfully completed a course in emergency medical care approved by the department pursuant to section 201 of chapter 111 and who provides emergency medical care through employment by or in association with an EMS first response service.

"EMS first response", the dispatch and response of the closest, most appropriate EMS personnel or EMS vehicle in the shortest practicable amount of time by a qualified EMS first response service.

"EMS first response service", the business or regular activity, whether for profit or not, by a qualified EMS provider, designated as a service zone provider for the purpose of providing rapid response and EMS.



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"EMS first response vehicle", any aircraft, boat, motor vehicle or any other means of transportation, whether privately or publicly owned, which is intended and is maintained and operated for the rapid response of EMS personnel, equipment and supplies to emergencies by an EMS first response service or by an ambulance service and is not utilized for patient transport.

"EMS personnel", EMS first responders and emergency medical technicians.

"EMS plan", a plan that includes an inventory and assessment of EMS resources and a plan for the optimal maintenance, coordination and utilization of those resources (i) to improve the EMS system and its component elements, and (ii) to coordinate with all state and municipal public safety agencies' mass casualty and other public emergency plans.

"EMS provider", an EMS first response service, an ambulance service, a hospital including, without limitation, a trauma center or any individual associated with an EMS first response service, an ambulance service or a hospital engaged in providing EMS, including, without limitation, an EMS first responder, a medical communications system operator, an emergency medical technician and a medical control physician, to the extent such physician provides EMS.

"EMS system", all EMS providers including, without limitation, personnel, EMS first response services, ambulance services, hospitals, including, without limitation, trauma center and equipment; communications systems linking them to each other; training and education programs; the regional EMS councils and all of their operations; EMS plans, protocols, statutes, regulations and guidelines; and all other components of such system, and their interaction with each other and with patients, providing equally for all patients to quality care, operating under the leadership and direction of the department, as more specifically described in section 2.

"EMS vehicle", an EMS first response vehicle or an ambulance.

"Emergency medical technician" or "EMT", a person who has successfully completed a course in emergency medical care, approved by the department or offered by an accredited course sponsor, and who is certified by the department. The term "emergency medical technician" shall include EMT-Basic, EMT-Intermediate and EMT-Paramedic.

"Emergency response", the dispatch and response of the closest appropriate ambulance, EMS personnel and other EMS vehicle to an emergency in the shortest practicable amount of time in conformance with the service zone plan.

"Hospital", a hospital licensed or certified by the department pursuant to section 51 of chapter 111 or other applicable law, with an emergency department, and the teaching hospital of the University of Massachusetts Medical School.

"Local jurisdiction", an entity empowered by the legislative body within a city, town, fire district or water district to select service zone providers, including, but not limited to, a city council, board of selectmen, board of aldermen, mayor, or town manager.

"Medical control", the clinical oversight by a qualified physician to all components of the EMS system, including, without limitation, treatment protocols, medical direction, training of and authorization to practice for EMS personnel, quality assurance and continuous

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quality improvement.

"Medical direction", the authorization for treatment established in statewide EMS treatment protocols provided by a qualified medical control physician to EMS personnel whether on-line, via direct communication or telecommunication, or off-line via standing orders.

"Person", an individual, an entity or an agency or political subdivision of the commonwealth.

"Primary ambulance response", first line ambulance response, pre-hospital treatment and transportation by an ambulance service selected and designated by a local jurisdiction as a service zone provider pursuant to section 10.

"Primary ambulance service", the business or regular activity, whether for profit or not, by a qualified ambulance service, designated by a local jurisdiction for the purpose of providing rapid response and pre-hospital EMS, including, without limitation, patient assessment, patient treatment, patient preparation for transport and patient transport to appropriate health care facilities, in conformance with the service zone plan as defined in section 10.

"Region", a geographic area of the state defined by the department in regulation as an EMS planning area.

"Regional EMS council", an entity created under section 4.

"Service", an EMS first response service or an ambulance service.

"Service zone", a geographic area defined by and comprised of one or more local jurisdictions, in which a local jurisdiction may select and the department shall designate an EMS first response service and an ambulance service to provide EMS first response and primary ambulance response to the public within that defined geographic area, pursuant to section 10.

"Service zone provider", EMS provider, selected by a local jurisdiction and designated by the department to provide primary ambulance service or EMS first response, or both, to the public within a service zone, pursuant to section 10. A service zone provider shall be staffed and equipped to be available for primary ambulance service or EMS first response 24 hours a day, seven days a week.

"Special population", any person or group of persons with unique medical, physical or social problems that require other than customary emergency medical care.

(b) The department shall promulgate rules and regulations to carry out the provisions of this chapter and may further define in such rules and regulations any term used in this chapter; provided, however, that such definition is not contrary to a provision of the General Laws.

Section 2. The department, with the assistance of interested parties that are part of the state's EMS system, including, without limitation, the regional EMS councils, shall plan, guide and coordinate programs to ensure that the state's EMS system shall:

(1) provide necessary EMS, using appropriate elements of the EMS system, to ensure adequate and appropriate EMS for all persons requiring the services, including, without limitation, all special populations, as an integral part of the EMS system, ensuring that the

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special needs of children and other special populations are recognized and provided for, and that services meeting their needs are integrated into the EMS system;

(2) include an adequate number of EMS personnel with appropriate training and experience;

(3) include an adequate number of EMS vehicles of appropriate types to meet the individual characteristics of the various regions such that:

(i) the EMS vehicles meet criteria relating to location, design, performance and equipment; and

(ii) all operators and other EMS personnel staffing the EMS vehicles meet appropriate training requirements;

(4) include an adequate number of accessible hospitals which:

(i) are collectively capable of providing an optimal level of EMS on a continual basis;

(ii) have appropriate capabilities categorized by type or scope of service;

(iii) meet appropriate standards relating to capacity, location, personnel and equipment;

(iv) are coordinated with other hospitals; and

(v) are integrated into the state's EMS system, provided that nothing in paragraph (4) shall be construed to authorize any licensure requirements or prerequisites not explicitly authorized by other statutory authority;

(5) provide for access, including appropriate transportation, to appropriate health care facilities as defined in regulations promulgated by the department, including, without limitation, trauma centers, in each region or, if there are no centers or an inadequate number of centers in a region, provide for access to the centers in neighboring regions in accordance with applicable regulations;

(6) provide, as necessary, for timely inter-facility transportation of patients to hospitals, and to other facilities or programs which offer follow-up care and rehabilitation, in order to optimize utilization of available facilities;

(7) provide for the effective utilization of the appropriate personnel, facilities and equipment of each entity providing EMS;

(8) join EMS providers, facilities, EMS vehicles and equipment, coordinated by a statewide communication system, which system shall include a 911 access subsystem, an EMS response subsystem and a medical communications subsystem, developed by the department in conjunction with the board, the statewide emergency telecommunications board and other appropriate agencies, so that requests for EMS will be handled by communications facilities which:

(i) utilize emergency telecommunications screening to determine the appropriate EMS response and to provide pre-arrival instructions to callers;

(ii) are accessible to the general public through a commonly known emergency telephone number and, where feasible, the universal emergency telephone number 911; and

(iii) will have direct communications with the appropriate EMS personnel, emergency medical services vehicles and equipment of the EMS system;

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(9) provide for a medical communications subsystem within the statewide EMS communications system, to provide without limitation:

- (i) EMS-vehicles-to-hospital communications linkage;
- (ii) on-line medical direction;
- (iii) mass casualty incident resource management; and
- (iv) inter-agency coordination;

(10) provide for continuous training for its EMS personnel, including clinical training and continuing education programs, which are coordinated with other programs which provide similar training and education;

(11) provide for planning and coordination and implementation of planning and coordination to ensure that the EMS system in each region will be capable of providing coordinated EMS in that region during mass casualty incidents, natural disasters, mass meetings and other large scale events and declared states of emergency. Each such plan shall address, at a minimum, uniform terminology; training requirements; interaction and integration with other relevant local, state and federal agencies and health care providers; and transportation to health care facilities that can provide definitive care;

(12) provide for programs of public education, information and prevention in each region taking into account the needs of residents of and visitors to that region to prevent illness and injury and to know means of obtaining EMS and such programs shall also take into account the health status of each region;

(13) provide for a standardized patient data collection system which covers all phases of the EMS system. This system shall include, but shall not be limited to, information needed to review access, availability, quality, cost and third party reimbursement for EMS;

(14) provide for:

(i) periodic comprehensive review and evaluation of the EMS provided in each region, including, without limitation, annual reports by each regional EMS council which reports shall include the projected costs of performing the services in each region pursuant to this chapter;

(ii) submission to the department of the reports of such review and evaluation;

(15) provide for the services and equipment necessary to ensure adequate and appropriate EMS for all persons requiring the services including, without limitation, children and other special populations and integrate such services and equipment into the statewide EMS system.

Section 3. (a) It shall be the duty of the department to plan, guide, assist, coordinate and regulate the development of a unified statewide EMS system and to coordinate the system with similar systems in neighboring states.

(b) The department shall be the state lead agency for EMS in this state. The department shall have authority to:

(1) direct and coordinate a program for planning, developing, maintaining, expanding, improving and upgrading the state EMS system and its component elements;



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(2) establish minimum standards and criteria for all elements of the EMS system, taking into consideration relevant standards and criteria developed or adopted by nationally recognized agencies or organizations, and the recommendations of interested parties that are part of the state's EMS system, including, without limitation, the regional EMS councils;

(3) establish minimum standards for the examination and certification of appropriate EMS personnel, including, without limitation, EMS first responders and emergency medical technicians in accordance with section 9, but excluding physicians;

(4) establish minimum standards for, inspect and certify, as appropriate, EMS vehicles in accordance with section 7;

(5) establish minimum standards for, inspect and license, as appropriate, emergency medical first response services and ambulance services in accordance with section 6;

(6) develop and implement a state EMS plan, in consultation with the regional councils, which plan shall address the distribution of all elements of the EMS system in the state, so that quality EMS shall be reasonably available to all residents of the commonwealth at the lowest aggregate reasonable cost and update said plan at least once every three years;

(7) establish minimum standards for and designate regional EMS councils in accordance with section 4;

(8) develop statewide coordinated trauma care systems, and establish minimum standards for and designate trauma centers, in accordance with section 11 and regulations promulgated pursuant to this chapter;

(9) integrate all designated trauma centers into the EMS system;

(10) investigate complaints related to the delivery of services by trauma centers, take appropriate action in accordance with this chapter and refer complaints to other agencies and organizations, as appropriate;

(11) collect and maintain data, including statistics on mortality and morbidity of trauma victims, including but not limited to, information needed to review access, availability, quality, cost and third party reimbursement for EMS, and coordinate and perform such data collection in conjunction with other data collection activities;

(12) establish standards for the design and implementation of studies of any aspect of the EMS system to be conducted by or on behalf of regional EMS councils;

(13) establish minimum standards for training, including, without limitation, pediatric training and other special population training, of EMS personnel, including, without limitation, medical communications system operators, call takers and dispatchers; provided, however, that standards for training of call takers and dispatchers shall be established in conjunction with the statewide emergency telecommunications board;

(14) define and approve training programs and instructors and accredit course sponsors for EMS training of EMS personnel;

(15) require the collection and maintenance of standardized patient data and information by services licensed under section 6, which services shall ensure that the responding personnel will complete a summary for each call to which they respond containing such information and on such forms as prescribed by the department, and shall

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make such summaries available to receiving facilities, the appropriate regional EMS council and the department in a timely manner and in reasonable detail;

(16) establish standards and criteria governing the award and administration of contracts under this chapter;

(17) administer contracts authorized under this chapter and grants awarded pertaining to EMS;

(18) ensure that every service shall have access to qualified medical control and medical direction;

(19) provide technical assistance to local governments, EMS providers and other persons, for the purpose of ensuring effective planning and execution of programs under this chapter;

(20) maintain a continuous quality improvement program for all elements of the EMS system;

(21) establish fees for the issuance and renewal of certifications, licenses, certificates of inspection, designations and any other approvals issued under this chapter;

(22) inspect at any time any equipment, supplies, facilities and records maintained by or in connection with any EMS provider; provided, however, that a license, certificate, designation or other approval has been issued, or an application therefor has been filed, for such EMS provider;

(23) develop and implement a comprehensive statewide EMS communications plan and system, coordinating regional EMS councils regional plans and systems, in cooperation with other agencies having concurrent jurisdiction;

(24) subject to the provisions of section 6, promulgate rules and regulations regarding adequate insurance coverage for licensed services and for operators and attendants of certified emergency medical services vehicles;

(25) make rules, regulations, guidelines and orders, and delegate authority to its divisions, employees and agents, and to regional EMS councils, as may be necessary or appropriate to carry out the provisions of this chapter;

(26) take any other action consistent with its role as state lead agency for EMS.

(c) The board shall be provided a reasonable opportunity to review and make recommendations on all rules, regulations, guidelines, standards and criteria under this chapter before the department may establish such rules, regulations, guidelines, standards or criteria.

Section 4. (a) Regional EMS councils shall assist and support the department in carrying out the provisions of this chapter and in developing and implementing the state and regional EMS plans, by planning, guiding and coordinating the components of the EMS system serving their regions.

(b) The department shall designate one regional EMS council in each region of the state and may deny, revoke, refuse to renew or suspend such designation for good cause shown. Each regional EMS council shall consist of, but shall not be limited to, at least ten persons, one of whom shall represent local government, one of whom shall be designated by

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a hospital, one of whom shall be designated by a fire suppression service, one of whom shall be designated by a law enforcement agency, one of whom shall be designated by a primary ambulance service, one of whom is a licensed physician with regular and frequent involvement in the provision of emergency care, one of whom shall be a nurse involved in emergency medical care, one of whom shall be an emergency medical technician, one of whom shall be a consumer and one of whom shall be designated by an EMS first response service. No regional EMS council shall consist of more than 35 members. Each regional EMS council shall plan, implement and evaluate the EMS system in its region in accordance with the provisions of its contract with the department, this chapter and the regulations, guidelines and policies of the department. Each regional EMS council designated by the department as of May 1, 1994 shall be designated by the department as such, subject to such reasonable conditions, consistent with this chapter and regulations promulgated hereunder, as the department may impose.

(c) Each regional EMS council shall:

(1) assist the department in establishing, coordinating, maintaining and improving the EMS system described in this chapter, including, without limitation, the statewide communication system described in paragraph (8) of section 2;

(2) assist the department in the collection and maintenance of data and information concerning the EMS system;

(3) prepare and carry out its regional EMS plan, the initial plan of which shall be completed no later than one year after the completion of the initial state emergency medical services plan, and updated at least once every three years or, if the state plan is updated more frequently, as frequently as the state plan is updated; each regional EMS plan shall be consistent with the state EMS plan, although it may reflect regional differences; each regional EMS system plan shall include, without limitation, a trauma plan consisting of, at a minimum, trauma point of entry guidelines and scene triage criteria;

(4) make reasonable effort to ensure the availability of training programs for EMS personnel under section 9;

(5) provide necessary and reasonable staff services and appropriate and convenient office facilities that can serve as a regional location for its planning, development, maintenance, coordination and evaluation functions;

(6) establish mechanisms to provide for input from local EMS providers, basic life support and advanced life support pre-hospital providers and hospital providers, cities and towns, and consumers in its decisions in a fair and equitable manner, including, without limitation, membership on its governing body;

(7) perform other related functions as may be reasonably established by the department.

Section 5. (a) The department shall enter into contracts with each of the regional EMS councils for the purposes set forth in section 4 in the form established by the department, and may enter into contracts with other entities for the planning, initiation, maintenance, development, expansion, improvement, coordination and evaluation of elements of the EMS



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system, in accordance with this chapter.

(b) If a contract is entered into under this section with a regional EMS council, no other contract may be entered into under this section with any other regional EMS council for the term thereof for the same region or for a region which includes, in whole or substantial part, such region.

(c) Contracts under this section may only be used for the funding of necessary, reasonable and appropriate costs.

(d) The contract amount payable annually by the department to each regional EMS council shall be determined according to a formula promulgated as a regulation by the department that takes into account the similarities and differences among the regions.

(e) All recipients of contracts under this section shall make reports to the department as may be required by the department.

(f) No contract may be made under this section unless an application has been submitted to the department in the form prescribed by the department and the applicant satisfies the criteria for contract award established by the department.

(g) The department shall provide technical assistance, as appropriate, to regional EMS councils and to other eligible entities as necessary for the purpose of their carrying out the provisions of contracts under this section.

(h) Payments pursuant to contracts under this section may be made in advance or by way of reimbursement and in such installments and on such conditions as the department determines will most effectively carry out the provisions of this chapter; provided, however, that payments pursuant to contracts under this section with regional EMS councils shall be made annually.

Section 6. (a) Any person who proposes to establish or maintain an EMS first response service or an ambulance service shall file an application with the department, containing such information as the department may require, including, without limitation, the identity of the applicant, and any parent or affiliated entity, the level of service proposed and the number of emergency medical services vehicles for which application is made.

(b) Upon receipt and review of an application for a license, the department shall issue a license if it finds that the applicant is responsible and suitable to establish or maintain the proposed service and meets such requirements as the department may establish by regulation for a service license. Such requirements shall include, without limitation, the responsibility to dispatch EMS personnel and vehicles and transport patients to the appropriate hospital or other health care facility as necessary, and to participate in the local, regional and state EMS system. No original or renewal license shall be issued under this subsection, except in the case of a service owned or operated by an agency or political subdivision of the commonwealth, unless the applicant has received and there is in effect a contract of insurance conforming to the regulations promulgated by the department, subject to chapter 175.

(c) In the case of a renewal application, the department may, subject to such regulations as it may promulgate, issue a provisional license to an applicant that does not meet the



requirements under this section; provided, however, that the applicant has demonstrated to the department's satisfaction a good faith intention to meet such requirements; and, provided further, that the department finds that the applicant provides adequate emergency medical care and evidences a potential for full licensure within a reasonable period, not to exceed six months. The department, however, shall in no case issue a person more than two consecutive provisional licenses for the same service.

(d) The department shall set forth in every license which it issues under this section the name and address of the person to whom such license is issued, the period for which such license is issued, the classification or level of service, if any, for which such license is issued, the number and classification of EMS vehicles to be operated under the license, the conditions as to transfer and assignment prescribed by law, and such other terms of issuance as the department may, in the public interest, prescribe as necessary or appropriate. The department shall fix the period of a provisional license for no more than six months, and it shall fix the period of a full license for no more than 24 months.

(e) A complete renewal application properly filed with the department shall have the effect of a license, on all the same terms and conditions as the previously issued license, until the department acts on the application.

Section 7. Prior to issuing a license under section 6, the department may conduct an inspection of EMS vehicles to be listed in such license. Each person to whom a license is issued shall be entitled to a certificate of inspection for each such EMS vehicle upon proof that the EMS vehicle is in compliance with such requirements as the department may establish by regulation for a certificate of inspection. Each certificate shall be valid only for the vehicle for which it is issued and to the service for which it is issued, and shall not continue in force after the expiration or transfer of the license under which it is issued; provided, however, that if a complete renewal application is properly filed with the department, then each certificate issued in connection with the previously issued license shall continue in force until the department acts on the application. Each service issued a certificate of inspection shall cause such certificate to be displayed in such emergency medical services vehicle in such manner as the department may prescribe by regulation.

Section 8. (a) Any service seeking to modify any term of its license, including, without limitation, changing its number of certified EMS vehicles, changing its level of service, or adding or deleting places of business from which advanced life support services are provided, shall file a request in writing with the department. The department shall not grant such request unless it finds that the modification requested is in the public interest, and in the case of modification involving a substantial change in the nature and scope of the service, that such change serves a need for emergency medical care. A service may file a request for license modification as part of a renewal application under section 6, and the department shall consider, and act upon, such request and the application at the same time.

(b) No service shall abandon the license issued to it. No service shall cease operations other than temporarily, in the ordinary course of business, without surrendering its license

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to the department. No service shall transfer or assign in any manner, voluntarily, or involuntarily, directly or indirectly, or by transfer of control of any asset or any equity interest in any entity, the license issued to it, or any rights thereunder, without first obtaining the department's written permission upon application to the department. Every application shall contain such information as the department may require and shall be disposed of in a timely manner. The department shall grant written permission only if the department finds that transferee or assignee is responsible and suitable to maintain a service and meets such requirements as the department has established by regulation for a license. Every denial order shall include a statement of the reasons for denial and the provisions of law relied upon, and shall be subject to judicial review through a petition for a writ of certiorari brought within 30 days under section 4 of chapter 249. Any transfer or assignment in violation of this section shall be void.

Section 9. (a) No person shall provide EMS or hold oneself out as, or use the title of EMS first responder, basic or intermediate emergency medical technician or paramedic, or the acronym EMT, or any other title or acronym used by the department in the certification of EMS personnel under this chapter, unless such person has successfully completed the appropriate course in emergency medical care approved by the department pursuant to this chapter or offered by a course sponsor accredited by the department pursuant to this chapter, or has received the appropriate training in the provision of emergency medical care which, subject to such regulations as the department may establish, the department finds to be substantially equivalent to that provided by the equivalent full courses in emergency medical care approved by the department pursuant to this chapter or offered by a course sponsor accredited by the department pursuant to this chapter, and unless in each year following completion of such course such person participates satisfactorily in an appropriate supplemental course in emergency medical care approved by the department pursuant to this chapter; provided, however, that the department may, under such regulations as it may establish, grant a temporary waiver of such requirements; and provided, further, that the department may, under such regulations as it may establish, issue provisional certification to a person who has applied to the department for a finding of substantial equivalency under this section, which provisional certification shall be valid until the department rules on such application. The department shall certify or approve EMS personnel who have successfully completed such course or such substantial equivalent in emergency medical care as an EMS first responder or as an emergency medical technician. Notwithstanding the requirements listed above, additional personnel, beyond the minimum staffing requirements for EMS vehicles established by regulation, may function on an EMS vehicle in a capacity defined in regulation. Additional personnel may be exempt from the full course in emergency medical care required by the department for EMS first responder and emergency medical technician certification; provided, however, that they fulfill all training and other requirements for additional personnel that the department shall establish by regulation.

(b) No person shall advertise by any means, including, without limitation, signs or symbols on an EMS vehicle, that he operates or maintains an EMS first response service or

an ambulance service unless the service is licensed and the EMS vehicles and personnel are certified as required by this chapter. No EMS first response service or ambulance service shall engage in any advertising which is deceptive or misleading to the public or for services other than those for which the service is licensed, and for which its EMS vehicles and personnel are certified.

Section 10. (a) Each regional EMS council shall, subject to the approval of the department, adopt a service zone plan that identifies, coordinates and makes optimal use of all available EMS resources within each service zone. Each such plan shall be developed by the local jurisdiction, shall provide for emergency response, and shall be in accordance with all federal, state and local laws and regulations related to incident command and control during emergency response. Each service zone plan shall include, without limitation, the following:

(1) a current list of service zones within the region and the service zone providers selected by the local jurisdiction within those zones;

(2) current inventories of EMS providers and resources and public safety resources within each service zone, including, without limitation, service zone providers, selection criteria as defined in paragraph (3), EMS personnel, local capability for call-taking, dispatch, first response, ambulance service, level EMT-Basic, EMT-Intermediate or EMT-Paramedic services, medical control and facility destinations;

(3) a selection process, to be carried out by a local jurisdiction whenever a local jurisdiction within a service zone proposes an upgrade in level of service that a service zone provider is unable to provide or whenever a downgrade of a service zone's level of services is proposed or effected, including, without limitation, selection criteria, to be used by service zones within the region in selecting a service zone provider. Selection criteria may vary among service zones, but shall include, without limitation, standards concerning response time, staffing requirements, deployment of resources, adequate backup, level of service, medical control, facility destinations and other factors promoting the optimal utilization of all available EMS resources;

(4) coordination of first responder services within service zones; and

(5) coordination of EMS first response, primary ambulance response and all other ambulance service, including, without limitation, private provider contracts, within each service zone, with such zone's service zone providers, to ensure an appropriate emergency response to all emergencies.

(b) Each regional EMS council, upon the recommendation of the local jurisdiction comprising each service zone, shall recommend that the department designate, and the department shall designate, upon such recommendation, service zone providers, that include one or more EMS first response services and one primary ambulance service recommended by such local jurisdiction.

(c) Each primary ambulance service shall provide primary ambulance response for every emergency call for EMS originating within its service zone either directly, or through



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agreements with other qualified ambulance services, in order to meet the standards for primary ambulance response established by the service zone.

(d) No ambulance service shall provide primary ambulance response in a service zone, unless it is the designated primary ambulance service, or is acting pursuant to an appropriate agreement with the primary ambulance service, consistent with the service zone plan.

Section 11. (a) The department shall develop a statewide coordinated trauma care system. At a minimum, the department, by regulation and guideline, shall provide for (1) the designation of trauma centers at various levels; (2) policies, including, without limitation, pre-hospital triage, treatment and transportation and transfer policies for trauma for both children and adults; and (3) coordination of pediatric and adult trauma care among all hospitals, EMS first response and ambulance services within each region and, as appropriate, across geographic areas. In promulgating regulations and guidelines under this section, the department shall also consider current guidelines adopted by the American College of Surgeons Committee on Trauma and the American College of Emergency Physicians or promulgated by the federal government.

(b) The regulations and guidelines shall include, at a minimum:

(1) pre-hospital care management guidelines for triage and transportation of pediatric and adult trauma patients consistent with trauma plans prepared in accordance with paragraph (3) of subsection (c) of section 4;

(2) requirements that trauma centers shall provide an appropriate level of quality of care to trauma patients referred to the centers and standards for the assessment of the quality of care;

(3) minimum requirements for resources and equipment needed by a trauma center to treat pediatric and adult trauma patients;

(4) standards for the availability and requisite qualifications of the health care personnel, including, without limitation, physicians and nurses, treating pediatric and adult trauma patients within a center;

(5) requirements for a trauma registry data collection system, including, without limitation, patient origin, trauma incidence reporting, system operation, and patient outcome; and

(6) requirements for periodic performance evaluation of the system and its components.

(c) The department shall develop and maintain a trauma registry reporting and analysis system which shall at a minimum:

(1) identify pediatric and adult trauma patients discharged from each hospital in this state by relevant characteristics, including, without limitation, age and cause of and level of severity of injury, as defined by the department;

(2) identify the total amount of trauma care expenditures made each fiscal year by each hospital or other health care facility in this state, aggregated or desegregated in reasonable detail; and



(3) require the reporting and analysis of patient, diagnosis, treatment, facility and other reasonably detailed trauma care information by each hospital in the commonwealth; provided, however the department may not require that a hospital report to the department any data under this section that the hospital otherwise reports to the commonwealth or any of its agencies and that is reasonably available to the department.

(d) A hospital may apply to the department for designation as a trauma center, and the department shall grant the designation if the hospital meets the requirements for trauma system participation and designation prescribed by regulation.

(e) After 18 months following the effective date of this chapter, a health care facility may not use the terms "trauma facility", "trauma center", or similar terminology in its signs or advertisements or in the printed materials and information it provides to the public unless it is a hospital that has been designated as a trauma center under this chapter.

(f) The department may deny, suspend, or revoke a hospital's designation as a trauma center if the hospital fails to comply with this section or the regulations adopted under it.

Section 12. (a) The commissioner shall appoint a state medical director, who shall serve at the pleasure of the commissioner, and who shall be a qualified emergency physician. The department may establish additional qualifications for the position of state medical director by regulation. The duties and responsibilities of the state medical director shall be to:

(1) provide clinical oversight for the state's EMS system assuring that adequate and appropriate attention is paid to the special needs of children and other special populations;

(2) advise the department on clinical standards and protocols, qualifications of EMS personnel to operate under medical direction, and statewide on-line and off-line pre-hospital treatment protocols;

(3) establish and lead a continuous quality improvement system for the clinical aspects of the state's EMS system, including, without limitation, a system of case reviews to be conducted by medical peer review committees established for the purpose of reviewing EMS;

(4) provide other related services as may be required by the department from time to time.

(b) Each regional EMS council shall appoint a regional medical director, who shall be a qualified emergency physician. The department may establish additional qualifications for the position of regional medical director by regulation. The duties and responsibilities of each regional medical director shall be, under the general direction and oversight of the state medical director, to:

(1) provide clinical oversight for the region's emergency medical services system assuring that adequate and appropriate attention is paid to the special needs of children and other special populations;

(2) advise the regional EMS council on clinical standards and protocols, including, without limitation, qualifications of EMS personnel to operate under medical direction and statewide on-line and off-line pre-hospital treatment protocols;

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(3) establish and lead continuous quality improvement system for the clinical aspects of the region's EMS system, including, without limitation, a system of case reviews to be conducted by medical peer review committees established for the purpose of reviewing EMS;

(4) provide other related services as may be required by the council, from time to time.

Section 13. (a) There shall be within the department an EMS system advisory board, consisting of the commissioner or his designee, as chairman; the state medical director, or his designee; the regional director of each regional emergency medical services council, or his designee; the medical director, of each regional EMS council, or his designee; the registrar of motor vehicles, or his designee; the commissioner of public safety, or his designee; and 27 members appointed by the commissioner, or their designees, as follows: one each from the Massachusetts Medical Society, the Massachusetts Chapter of the American College of Surgeons, the Massachusetts Heart Association, the Massachusetts Nurses Association, the American Red Cross, the Massachusetts Chiefs of Police Association, the Massachusetts Police Association, the Massachusetts Fire Chiefs Association, the Professional Fire Fighters of Massachusetts, the Massachusetts Call/Volunteer Firefighters Association, Massachusetts Hospital Association, Massachusetts Chapter of Emergency Nurses Association, Massachusetts Chapter of the American College of Emergency Physicians, the Massachusetts Council of Community Hospitals, the Massachusetts Association of Emergency Medical Technicians, the Massachusetts Ambulance Association, the Massachusetts Association of Hospital-Based Paramedic Services, the International Association of EMTs & Paramedics, and the Massachusetts Association of Health Maintenance Organizations; one from the volunteer ambulance associations; a representative of the Governors Highway Safety Bureau; a representative of the statewide emergency telecommunications board; one person who shall be an expert in EMS for children; one person who shall be an attorney; and three who shall be consumers representative of all regions of the state, to the extent feasible. Each appointed member of the board shall serve a term of three years, or until his successor is appointed and qualified. Appointees shall serve without compensation.

(b) The board, in addition to other powers conferred in this chapter, including, without limitation, in subsection (c) of section 3, and in addition to functioning in a general advisory capacity, shall assist in coordinating the efforts of all persons and agencies in the state concerned with the EMS system, and shall render advice on the development of the EMS system where needed. The board shall make an annual report to the commissioner on or before June 30. There shall be established by the department committees advisory to the board, including, without limitation, a trauma systems committee. The trauma systems committee shall be chaired by the commissioner or his designee and shall be composed of an equitable balance of individuals, each identified as representing (1) regional EMS councils, (2) trauma centers, and (3) community hospitals. Other committees may be established and constituted by the board, in its discretion.

Section 14. The department shall establish and implement procedures for the making, transmission and investigation of complaints concerning any person certified, licensed,

designated or otherwise approved by the department under this chapter. The department shall prepare, and make available upon request, a description of such procedures, and it shall, as the public interest may require, investigate every complaint received, except to the extent that the act or practice complained of does not constitute a violation of this chapter or any regulation, guideline or order under this chapter. The department shall refer complaints to other agencies and organizations, as appropriate. Upon investigation the department shall notify the complainant, if known, of its action in the matter. If it finds that an investigation is not required, it shall notify the complainant, if known, of its finding and with its reason.

Section 15. (a) Whenever the department finds upon inspection or through information in its possession, that any person certified, licensed, designated or otherwise approved by the department under this chapter is not in compliance with a requirement established under this chapter, the department may order such person to correct such deficiency. Every such correction order shall include a statement of each deficiency found, the period prescribed within which each such deficiency shall be corrected, and the provisions of law relied upon.

The period prescribed shall be reasonable under the circumstances. In the case of a deficiency identified in the course of an inspection or investigation, which endangers the public health and safety, the department or its agent may, immediately upon such inspection or investigation, suspend a certificate, license, designation, or other approval, effective immediately. A hearing on such suspension shall be governed by the relevant procedures set forth in and pursuant to section 16. With respect to orders other than immediate suspensions, within seven days of receipt, the affected person may file a written request with the department for administrative reconsideration of the order or any portion thereof. Failure of the department to grant, deny, or otherwise act upon a written request within seven days of filing shall be deemed a denial of such request.

(b) The department may assess a person ordered to correct a deficiency not more than \$500 for each deficiency for each day the deficiency continues to exist beyond the date prescribed for correction. Before making an assessment, the department shall give the affected person notice of the matters alleged and the provisions of law relied upon and shall accord such person an opportunity for a hearing upon timely written request. If after hearing, or waiver thereof, the department determines that cause exists, it shall make an appropriate assessment. The affected person shall pay such assessment except to the extent that, upon judicial review, the reviewing court may reverse the final decision of the department.

(c) An assessment made under this section shall be due and payable to the commonwealth on the thirtieth day after notification to the affected licensee. The attorney general shall recover any assessment due and payable in an action of contract, or any other appropriate action, suit or proceeding, brought in the name of the commonwealth in the superior court. Upon the motion of the attorney general, such court may consolidate for hearing and decision a judicial review proceeding and an assessment collection proceeding if the proceedings result from the same administrative action.



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Section 16. The department may, after hearing or waiver thereof, revoke or refuse to renew a certification, certificate of inspection, license, designation or other approval for failure to perform such requirements as set forth in such certificate, license, designation, or other approval, for violation of any applicable requirement prescribed under this chapter, for violation of a correction order, or for engaging in, or for aiding, abetting, causing, or permitting, any act prohibited under this chapter or under any other general or special law or other applicable legal requirement related to the operation of any element of the EMS system. The commissioner may without hearing, suspend a certification, certificate of inspection, license, designation or other approval held by any person if he finds that such person is acting pursuant to such certification, operating or maintaining an EMS vehicle subject to such certificate of inspection, maintaining a service subject to such license, or acting pursuant to any designation or other approval, in a manner which endangers the public health or safety; provided, however, that in every case of suspension the person certified, licensed, designated or otherwise approved by the department under this chapter shall be promptly afforded an opportunity for a hearing under this section. If after any hearing hereunder concerning a certification, license, designation or other approval, the department determines that cause exists, instead of revoking or refusing to renew such certification, license, designation or other approval, the department may issue an order modifying the certification, license, designation or other approval if it finds that the public interest would be better served by such action. No certificate of inspection under a license shall continue in force after the department has suspended, revoked or refused to renew such license.

Section 17. The parent or guardian of an injured or sick child who is to be transported to a hospital or other medical treatment facility by an ambulance shall be allowed to accompany such child upon such parent's or guardian's request, unless the emergency medical technician in charge determines that the medical situation is life threatening or that the presence of a parent or guardian would create a potential risk to such child. Such determination shall be noted in the written report of said emergency medical technician and a copy of such report shall be sent to such parent or guardian within 30 days of such determination.

Section 18. Subject to regulations and guidelines promulgated by the department, an emergency medical technician may restrain a patient who presents an immediate or serious threat of bodily harm to himself or others. Any such restraint shall be noted in the written report of said emergency medical technician.

Section 19. (a) No person shall:

(1) establish or maintain an EMS first response service or an ambulance service or hold itself out as an EMS first response service or an ambulance service without a valid license or in violation of the terms of a valid license;

(2) operate, maintain or otherwise use or hold out any aircraft, boat, motor vehicle, or other means of transportation as an EMS vehicle without a valid certificate of inspection;

(3) provide EMS or hold oneself out as, or use the title of EMS first responder, emergency medical technician, or paramedic or the acronym EMT or any other title or acronym



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used by the department in the certification of emergency medical services personnel under this chapter, in violation of section 9, or other than on behalf of an EMS first response service or an ambulance service or other EMS provider duly licensed or otherwise approved under this chapter;

(4) establish or maintain a trauma center, a service zone provider, or any other entity, service or operation requiring designation or approval under this chapter, or hold itself out as such without a valid designation or approval under this chapter;

(5) obstruct, bar or otherwise interfere with an inspection or investigation undertaken under authority of this chapter;

(6) knowingly make an omission of a material fact or a false statement in any application or other document filed with the department; or

(7) violate or fail to observe any requirement of this chapter, or of any regulation, guideline or order under this chapter.

(b) Whoever engages in, aids, abets, causes or permits any act prohibited under this section shall be punished by a fine of not less than \$100 and not more than \$1,000 for each offense. A separate and distinct offense shall be deemed to have been committed on each day during which any prohibited act continues after written notice by the department to the offender. The commissioner shall report each suspected offense to the attorney general for investigation and prosecution.

Section 20. No physician duly registered under section 2, 2A, or 9 of chapter 112, and no nurse duly registered under section 74 or section 76 of said chapter 112, and no hospital shall be liable in a suit for damages as a result of acts or omissions related to advice, consultation or orders given in good faith to emergency medical services personnel who are qualified under section 9 and are acting on behalf of a service duly licensed under section 6, by radio, telephone or other remote means of communication and prior to arrival of the patient at the hospital or other health care facility from which the emergency communication to the EMS personnel is made, nor shall any such EMS personnel be liable in a suit for damages as a result of their acts or omissions based upon such advice, consultation or orders by remote communication, if the such acts or omissions were made in good faith, nor shall any physician be liable in a suit for damages as a result of acts or omissions relating to the discharge of duties under this chapter, including, without limitation, duties as a medical director at the state or regional level, if such acts or omissions were made in good faith.

Section 21. No EMS personnel certified, accredited or otherwise approved under this chapter, and no additional personnel certified or authorized under section 9, who in the performance of their duties and in good faith render emergency first aid, cardiopulmonary resuscitation, transportation, or other EMS, to an injured person or to a person incapacitated by illness shall be personally liable as a result of rendering such aid or services or, in the case of an emergency medical technician or additional personnel, as a result of transporting such person to a hospital or other health care facility, nor shall they be liable to a hospital for its expenses if, under emergency conditions, they cause the admission of such person to said hospital.

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Section 22. The commissioner may waive any provision of the regulations and guidelines promulgated under this chapter, subject to such terms and conditions as he may impose; provided, however, that no waiver may issue unless the commissioner has determined that such waiver (a) will result in improved quality or accessibility of EMS, (b) is in the public interest and (c) will not endanger public health or safety.

Section 23. Any person subject to an action by the department to revoke, suspend, deny or take any other action with respect to any license, certification, designation or any other approval under this chapter shall, upon the filing of a written request with the department, be afforded an adjudicatory hearing pursuant to chapter 30A.

Section 24. Distribution and use of funds, if any, by regional councils shall be governed by rules and regulations promulgated by the department with the advice of the EMS system advisory board. Such rules and regulations shall recognize the following goals and objectives for the use and disbursement of such funds:

- (1) maintenance and operation of regional emergency medical services councils;
- (2) maintenance and operation of regional communication centers; and
- (3) training of EMS personnel, such training to be interpreted to include initial training and recertification.

**SECTION 4.** Section 1 of chapter 111 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "organization", in line 39, the following words:- or a committee of physicians established pursuant to section 12 of chapter 111C for the purposes set forth in subsection (f) of section 203.

**SECTION 5.** Section 70 of said chapter 111, as so appearing, is hereby amended by inserting after the word "notes", in line 4, the following words:- and, in the case of a patient brought to a hospital by an ambulance service licensed pursuant to chapter 111C, a copy of the call summary set forth in paragraph (15) of subsection (b) of section 3 of said chapter 111C.

**SECTION 6.** Section 203 of said chapter 111, as so appearing, is hereby amended by adding the following subsection:-

(f) Every service, EMS first responder, emergency medical technician, every trauma center and regional EMS council licensed, certified or designated pursuant to chapter 111C, every physician providing medical direction under said chapter and every hospital affiliated with any such service shall participate in continuous quality improvement programs established under chapter 111C by the state medical director or by a regional medical director and conducted under said chapter by a medical peer review committee to review and evaluate the necessity, quality and effectiveness of the emergency medical care and specialty care services, including, without limitation, trauma care services in the commonwealth.

**SECTION 7.** Section 204 of said chapter 111, as so appearing, is hereby amended by inserting after the word "psychology", in lines 6, 9 and in lines 25 and 26, in each instance, the following words:- or by the department of public health pursuant to chapter 111C.

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**SECTION 8.** The provisions of chapter 111C of the General Laws, inserted by section 3 of this act, to the extent that they impose obligations on the regional EMS councils, are subject to appropriation. The department of public health shall submit to the house and senate committees on ways and means an estimate of the cost of implementing such provisions as they relate to the regional EMS councils, and an estimate of the annual appropriations required to support the activities specified in such provisions.

**SECTION 9.** The department of public health shall annually, on or before March 1, file with the house and senate committees on ways and means a report of the activities over the preceding year pursuant to chapter 111C of the General Laws, inserted by section 3 of this act, and shall include therein a statement of the cost of implementing said chapter to date and projected appropriation required to support such activities in the next succeeding fiscal year.

**SECTION 10.** The state EMS plan required under paragraph (6) of subsection (b) of section 3 of chapter 111C of the General Laws, inserted by section 3 of this act, shall be completed no later than 15 months after the effective date of sections 2 to 10, inclusive.

**SECTION 11.** The department shall promulgate its initial rules and regulations to carry out the provisions of this act not later than 180 days after passage of this act. The advisory board, as existing under section 7 of chapter 111C of the General Laws on the effective date of this act, shall be provided a reasonable opportunity to review and make recommendations on said initial rules and regulations.

**SECTION 12.** Sections 2 to 10, inclusive, shall take effect 180 days after passage of this act.

Approved March 30, 2000.

## Chapter 55. AN ACT RELATIVE TO THE OFFICE OF REGISTER OF DEEDS OF BARNSTABLE COUNTY.

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection (b) of section 4-2 of article 4 of section 1 of chapter 163 of the acts of 1988 is hereby amended by striking out paragraph 2 and inserting in place thereof the following paragraph:-

2. **REGISTER OF DEEDS** There shall be a register of deeds elected as provided by section 157 of chapter 54 of the General Laws. The register of deeds shall have general charge and superintendence of the Barnstable county registry of deeds and all of the books, records, deeds and other papers belonging thereto. The register of deeds shall have all of the powers and duties which are given to registers of deeds by the General Laws and such other powers and duties as may be provided by county ordinance or administrative code.

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**SECTION 2.** Section 10-5 of article 10 of said section 1 of said chapter 163 is hereby amended by striking out subsection (d) (e) and inserting in place thereof the following subsection:-

(e) Notwithstanding article 4, the office of county treasurer shall not be filled by appointment until the expiration of the term of office to be filled by another election for such office next following the adoption of this charter; but if following such election a vacancy shall occur in said office for any reason, said article 4 with respect to said office shall forthwith take effect.

**SECTION 3.** This act shall take effect upon its passage.

Approved April 5, 2000.

## **Chapter 56. AN ACT AUTHORIZING THE TOWN OF ORLEANS TO PAY CERTAIN CLAIMS.**

*Be it enacted, etc., as follows:*

Notwithstanding section 13 of chapter 40 of the General Laws, the town administrator of the town of Orleans, with the approval of the board of selectmen, may pay claims not exceeding \$50,000 without appropriation of the town meeting from the Municipal Building Insurance Fund of the town.

Approved April 6, 2000.

## **Chapter 57. AN ACT RELATIVE TO THE NANTUCKET HISTORIC DISTRICT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2A of chapter 395 of the acts of 1970 is hereby amended by striking out the definition of "Exterior architectural features", as most recently amended by section 1 of chapter 333 of the acts of 1989, and inserting in place thereof the following definition:-

"Exterior architectural features", such portions of the exterior of a building or structure, including the size and shape of proposed buildings and structures described in subsection (b) of section 9, as are open to view from a beach, a public way, a traveled way, a street or way shown on a land court plan or shown on a plan recorded in the registry of deeds, a proprietor's road, a street or way shown on a plan approved and endorsed in accordance with the subdivision control law, a public park, or a public body of water, and shall include, but not be limited to, the architectural style and general arrangement and setting thereof, the kind, color, and texture of exterior building materials; the color or paint or other materials



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applied to windows, doors, lights, signs, trim, gutters, leaders, louvers, vents, exterior surfaces and type and style of roofs, porches, decks, staircases, steps, balconies, roof walks, and other appurtenant exterior fixtures.

**SECTION 2.** Subsection (b) of section 9 of said chapter 395 is hereby amended by adding the following sentence:- In the case of new construction or additions to existing buildings or structures, the Historic District Commission shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable by-law.

**SECTION 3.** Said section 9 of said chapter 395 is hereby further amended by striking out subsection (c), as amended by section 5 of chapter 735 of the acts of 1987, and inserting in place thereof the following subsection:-

(c) The Historic District Commission shall not consider interior arrangement or building features not subject to public view. The commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects of the surroundings and the Historic Nantucket District.

**SECTION 4.** This act shall take effect upon its passage.

Approved April 6, 2000.

**Chapter 58. AN ACT AUTHORIZING THE SOUTHERN WORCESTER COUNTY REGIONAL VOCATIONAL SCHOOL DISTRICT TO PROVIDE FOR CERTAIN COSTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law or the district agreement to the contrary, the Southern Worcester County Regional Vocational School District may borrow, upon the vote of two-thirds of all members of the district school committee, at one time or from time to time, and as provided for in this act, such sums as the commissioner of revenue shall approve as related to funds determined to be missing from the district in fiscal year 2000 and previous fiscal years, so as to permit continued operation of the school and to prevent default on certain notes of the district, but in no event an amount in the aggregate in excess of \$5,000,000, and to issue therefor bonds or notes of the district. Upon the vote of the school district, and as approved by the director of accounts, the proceeds of such bonds or notes shall be used to pay notes, payrolls, employment tax withholdings and taxes, expenses or liabilities deriving directly or indirectly from the loss of funds disclosed during fiscal year 2000. Any amounts recovered from fidelity bonds, employee dishonesty policies or restitution under civil or criminal proceedings shall be applied to reduce the amounts borrowed under this act.

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Bonds or notes issued under this act shall be in such form, and include such terms and conditions, as the director of accounts shall approve and shall be general obligation bonds or notes of the district. Bonds or notes issued under authority of this act shall be eligible to be issued as qualified bonds or notes pursuant to chapter 44A of the General Laws. So far as apt, the provisions of chapter 44 shall apply to bonds or notes issued under authority of this act. The maturity of any bond or note issued under authority of this act shall not be after June 30, 2010.

The maturities of each issue of bonds or notes authorized under this act, including any refunding bonds or notes, may, if approved by the district officers authorized to issue bonds or notes and the director of accounts, be arranged so that for each issue the amounts payable in the several years for principal and interest combined are as nearly equal as is practicable in the opinion of the officers authorized to issue such bonds or notes, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal. If notes rather than bonds are issued, refunding notes must provide for payment from revenue funds so that the amount of refunding notes shall not exceed the unpaid principal amount which would have been outstanding if serial bonds had been issued.

**SECTION 2.** In any year during which bonds or notes authorized under this act remain outstanding, the district shall submit an audit for the preceding year to the director of accounts. Such audit shall be prepared by a certified public accountant in accordance with generally accepted accounting principles and shall include accompanying financial statements. Such report and a copy of the proposed budget must be received and accepted by said director prior to submission of the annual school district budget to member municipalities as set forth in section 16B of chapter 71 of the General Laws.

In any year during which bonds or notes authorized under this act remain outstanding, this district shall not issue any bond, note or other form of indebtedness without written notification to, and the approval of the commissioner of revenue.

**SECTION 3.** Payment of principal of and interest on bonds or notes issued under this act shall be included in the computation of net school spending as defined in section 2 of chapter 70 of the General Laws.

**SECTION 4.** This act shall take effect upon its passage.

Approved April 6, 2000.

## Chapter 59. AN ACT DESIGNATING AN OFFICIAL KOREAN WAR MEMORIAL FOR THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Chapter 2 of the General Laws, is hereby amended by adding after section 45, added by chapter 38 of the acts of 2000, the following section:-

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Section 46. The Korean War Memorial located in the shipyard park of the Charlestown Navy Yard shall be the official memorial of the commonwealth to honor the Korean War veterans of the commonwealth.

Approved April 7, 2000.

**Chapter 60. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO USE CERTAIN PARK AND PLAYGROUND LAND FOR SCHOOL PURPOSES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Lawrence may use three certain parcels of land maintained by the city for park and playground purposes for the construction, maintenance and use of schools and educational facilities, facilities for athletics, sports and community programs and activities and for general recreational uses. The parcels are shown on the city of Lawrence Assessor's Map 140, Lot 80, Map 186, Lot 104, and Map 53, Parcel 66.

**SECTION 2.** This act shall take effect upon its passage.

Approved April 7, 2000.

**Chapter 61. AN ACT EXEMPTING THE POSITION OF DEPUTY POLICE CHIEF IN THE POLICE DEPARTMENT OF THE CITY OF LAWRENCE FROM THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the position of deputy police chief in the police department of the city of Lawrence shall be exempt from chapter 31 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

Approved April 7, 2000.

**Chapter 62. AN ACT AUTHORIZING THE CITY OF LOWELL TO ISSUE CERTAIN LICENSES TO THE LOWELL MEMORIAL AUDITORIUM FOR SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Notwithstanding the provisions of section 17 of chapter 138 of the General Laws, the license commission of the city of Lowell, upon request of the trustees of Lowell Memorial Auditorium, may issue to a person or entity that is operating the Lowell Memorial Auditorium under a contract to operate and manage the Lowell Memorial Auditorium or that has been granted a concession by the trustees for the sale of food and alcoholic beverages a license to sell all alcoholic beverages to be drunk on the premises of the Lowell Memorial Auditorium or any part thereof, but not including Liberty Hall. Sections 12A and 16C of said chapter 138 shall not apply to such premises. A licensee shall not be required by said license commission under the provisions of section 12 of said chapter 138 to have the licensed premises open during any hours when there is no activity being conducted in the Lowell Memorial Auditorium, nor shall the licensee be permitted to serve food or alcoholic beverages to strangers, travelers or members of the general public who are not attending any activity then being conducted in the Lowell Memorial Auditorium.

**SECTION 2.** Notwithstanding the provisions of any general or special law or ordinance to the contrary, the license commission of the city of Lowell may issue to a person that is operating the Lowell Memorial Auditorium under a contract, or that has been granted a concession by the trustees for the sale of food and beverages, a common victualler's license for the premises of the Lowell Memorial Auditorium or any part thereof, but not including Liberty Hall, pursuant to section 2 of chapter 140 of the General Laws. Section 5 of said chapter 140 shall not apply to the license so issued.

**SECTION 3.** This act shall take effect upon its passage.

Approved April 7, 2000.

## **Chapter 63. AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO PAY CERTAIN HEALTH INSURANCE PREMIUMS FOR RETIRED EMPLOYEES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Hopkinton, in addition to the payment of 50 per cent of a premium for contributory group hospital, surgical, medical and other health insurance and of a premium for the services of a health care organization for employees retired from the service of the town, and their dependents, may pay a subsidiary or additional rate, as determined from time to time by the board of selectmen, of a stated monthly premium as described in section 7A of chapter 32B of the General Laws for contracts of insurance authorized by sections 3 and 11C of said chapter 32B., and of a stated monthly premium as described in section 16 of said chapter 32B, for the services of a health care organization for retired employees.

**SECTION 2.** The board of selectmen of the town of Hopkinton, from time to time



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as it deems appropriate, may establish such subsidiary or additional rate to be paid by the town for such insurance and services of a health care organization, which subsidiary or additional rate shall be established as a percentage of premium and not pursuant to the "same dollar amount" rule, so-called, which percentage shall be the same for all retired employees subject to the terms hereof.

**SECTION 3.** This act shall take effect upon its passage.

Approved April 13, 2000.

**Chapter 64. AN ACT AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES  
IN BOWLING ALLEYS.**

*Be it enacted, etc., as follows:*

Section 16D of chapter 138 of the General Laws is hereby repealed.

Approved April 13, 2000.

**Chapter 65. AN ACT RELATIVE TO CERTAIN POSITIONS IN THE TOWN OF  
NORTH ATTLEBOROUGH.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of any general or special law to the contrary, the elected positions of town clerk, tax collector and town treasurer in the town of North Attleborough may be part of and covered by the personnel by-law of said town.

Approved April 14, 2000.

**Chapter 66. AN ACT REQUIRING COMPETENT INTERPRETER SERVICES IN  
THE DELIVERY OF CERTAIN ACUTE HEALTH CARE SERVICES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 111 of the General Laws is hereby amended by inserting after section 25I the following section:-

Section 25J. (a) For purposes of this section, the following words shall have the following meanings:-

"Non-English speaker", a person who cannot speak or understand, or has difficulty with speaking or understanding, the English language because the speaker primarily or only uses a spoken language other than English.

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"Competent interpreter services", interpreter services performed by a person who is fluent in English and in the language of a non-English speaker, who is trained and proficient in the skill and ethics of interpreting and who is knowledgeable about the specialized terms and concepts that need to be interpreted for purposes of receiving emergency care or treatment.

(b) Every acute-care hospital, as defined in section 25B, shall provide competent interpreter services in connection with all emergency room services provided to every non-English speaker who is a patient or who seeks appropriate emergency care or treatment. Based on the volume and diversity of the non-English-speaking patients or persons seeking appropriate emergency care or treatment, each such hospital shall use reasonable judgment as to whether to employ, or to contract for the on-call use of one or more interpreters for particular languages when needed, or to use competent telephonic or televising interpreter services. However, such hospital shall only use competent telephonic or televising interpreter services in situations where there is either (1) no reasonable way to anticipate the need for employed or contracted interpreters for a particular language; or (2) there occurs, in a particular instance, an inability to provide competent interpreter services by an employed or contracted interpreter.

(c) The receipt by any non-English speaker of interpreter services shall not be deemed the receipt of a "public benefit" under any provision of law restricting benefits or assistance on the basis of immigrant status.

(d) Substantial compliance with the provisions of this section shall be a requirement of licensing or relicensing by the department under section 51, and the department may promulgate regulations under said section 51 for the implementation of this section.

(e) Any non-English speaker, who is denied appropriate emergency health care services by an acute-care hospital by reason of such hospital's not having exercised reasonable judgment in making competent interpreter services available, as required by this section, or the attorney general upon receiving written notice from a regulating state agency that such hospital is substantially failing to comply with applicable interpreter requirements, shall have a right of action in the superior court against such hospital for declaratory or injunctive relief. A non-English speaker bringing such action shall not be required to exhaust any administrative remedies that may be available to him and may be awarded damages for any actual harm suffered, but at least \$250 in damages shall be awarded for each violation, together with such costs, including expert fees and attorney's fees, as may be reasonably incurred in such action. Such action shall be brought within three years of any such failure to provide competent interpreter services.

**SECTION 2.** Section 7 of chapter 118G of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

In determining rates to be paid by governmental units to acute-care hospitals, as defined in section 25B of chapter 111, and any hospital or separate unit of a hospital that provides acute psychiatric services, as defined in said section 25B, the division shall include

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## Chap. 66

as an operating expense the reasonable cost of providing competent interpreter services as required by section 25J of said chapter 111 or section 23A of chapter 123.

**SECTION 3.** Section 11 of said chapter 118G, as so appearing, is hereby amended by inserting after the word "requirements", in line 6, the following words:- and shall include reimbursement for the reasonable cost of providing competent interpreter services pursuant to section 25J of chapter 111 or section 23A of chapter 123.

**SECTION 4.** Said section 11 of said chapter 118G , as so appearing, is hereby further amended by inserting after the word "care", in line 21, the following words:- , including the costs of providing competent interpreter services pursuant to section 25J of chapter 111 or section 23A of chapter 123.

**SECTION 5.** Chapter 123 of the General Laws is hereby amended by inserting after section 23 the following section:-

Section 23A. (a) For purposes of this section the following words shall have the following meanings:

"Non-English speaker", a person who cannot speak or understand, or has difficulty with speaking or understanding, the English language because the speaker primarily or only uses a spoken language other than English.

"Competent interpreter services", interpreter services performed by a person who is fluent in English and in the language of a non-English speaker, who is trained and proficient in the skill and ethics of interpreting and who is knowledgeable about the specialized terms and concepts that need to be interpreted for purposes of receiving emergency care or treatment.

(b) Every hospital or separate unit of a hospital which provides acute psychiatric services, as defined in section 25B of chapter 111, shall in connection with the delivery of such services, and if an appropriate bilingual clinician is not available, provide competent interpreter services to every non-English speaker who is a patient. Based on the volume and diversity of the non-English-speaking patients or persons seeking appropriate emergency care or treatment, each such hospital shall use reasonable judgment as to whether to employ, or to contract for the on-call use of one or more interpreters for particular languages when needed, or to use competent telephonic or televiewing interpreter services. However, such hospital shall only use competent telephonic or televiewing interpreter services in situations where there is either (1) no reasonable way to anticipate the need for employed or contracted interpreters for a particular language; or (2) there occurs, in a particular instance, an inability to provide competent interpreter services by an employed or contracted interpreter.

(c) The receipt by any non-English speaker of interpreter services shall not be deemed the receipt of a "public benefit" under any provision of law restricting benefits or assistance on the basis of immigrant status.

(d) Substantial compliance with the provisions of this section shall be a requirement of licensing or relicensing by the department under section 19 of chapter 19, and the department may promulgate regulations pursuant to section 18 of said chapter 19 for the implementation of this section.

(e) Any non-English speaker, who is denied appropriate acute psychiatric services by a hospital or separate unit of a hospital which provides acute psychiatric services by reason of the hospital's not having exercised reasonable judgment in making competent interpreter services available, as required by this section, or the attorney general upon receiving written notice from a regulating state agency that such hospital is substantially failing to comply with applicable interpreter requirements, shall have a right of action in the superior court against such hospital for declaratory or injunctive relief. A non-English speaker bringing such action shall not be required to exhaust any administrative remedies that may be available to him and may be awarded damages for any actual harm suffered, but at least \$250 in damages shall be awarded for each violation, together with such costs, including expert fees and attorney's fees, as may be reasonably incurred in such action. Such action shall be brought within three years of any such failure to provide competent interpreter services.

**SECTION 6.** This act shall take effect on July 1, 2001.

Approved April 14, 2000.

## **Chapter 67. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE LAWRENCE MUNICIPAL AIRPORT ENTERPRISE COMMISSION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds:

(a) that there exists within the town of North Andover certain real property owned by the city of Lawrence, by and through the Lawrence Municipal Airport Commission, which real property is surplus to the needs of the Lawrence Municipal Airport Commission and the Federal Aviation Administration;

(b) that such surplus real property is a significant resource which, if returned to productive economic use, would contribute to the provision of gainful employment, additional economic opportunities for persons at all incomes, increased revenue for the city of Lawrence, the town of North Andover and the commonwealth;

(c) that the sale, lease, development or disposition of such real property is a valid public purpose; and

(d) the purpose of the commission created by this act is to aid in the speedy and orderly redevelopment of such surplus real property in order to prevent blight, economic dislocation and additional unemployment.

**SECTION 2.** There is hereby created a body politic and corporate, to be known as the Lawrence Municipal Airport Enterprise Commission, to carry out the provisions of this act. The commission is hereby deemed to be a public instrumentality. The primary purpose of the commission is to secure the redevelopment of the surplus real property located at the Lawrence Municipal Airport to the greatest benefit of the city of Lawrence and the town of North Andover. The commission shall be responsible for assessing, collecting and distribu-



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ting all real estate taxes to the city of Lawrence and the town of North Andover in accordance with the tax revenue sharing plan in section 7.

**SECTION 3.** As used in this act, the following words shall, unless the context requires otherwise, have the following meanings:

"Agency", the Massachusetts Development Finance Agency, a Massachusetts body politic, created under chapter 23G of the General Laws.

"City", the city of Lawrence, acting through its mayor and city council.

"Commission", the Lawrence Municipal Airport Enterprise Commission.

"Directors", the board of directors of the Lawrence Municipal Airport Enterprise Commission.

"Surplus Development Parcel", the lands, including all easements, reservations and rights appurtenant thereto, and all buildings, structures, utilities and improvements located thereon comprising that portion of the Lawrence Municipal Airport, declared to be surplus, consisting of approximately 49 acres of land, more or less, as shown on a plan approved by the city of Lawrence.

"Lawrence Municipal Airport", that certain municipal airport owned and operated by the city of Lawrence and located within the town of North Andover.

"Project", the development, improvement, construction, expansion, reduction, destruction, renovation of all real property and buildings and structures located or to be located on the surplus development parcel.

"Tax Revenue Sharing Plan", that plan approved by the city of Lawrence, town of North Andover and the commissioner of revenue, as further described and set forth in section 7.

"Town", the town of North Andover, acting through its town manager and board of selectmen.

**SECTION 4.** The city and town are hereby authorized to organize and create the Lawrence Municipal Airport Enterprise Commission, a public body politic and corporate. The commission shall be managed by a board of directors consisting of six directors: the mayor, treasurer and a member of the city council of the city and the manager, finance director and a member of the board of selectmen of the town. The city councilor shall be chosen by a majority vote of the Lawrence city council, and the selectman shall be chosen by a majority vote of the North Andover board of selectmen. Directors shall serve without compensation but may be reimbursed for direct expenses necessarily incurred in the performance of their duties. The mayor of the city shall serve as chairman. The directors shall elect from among themselves a secretary. The secretary shall be the custodian of all books, documents and papers of the commission and of its minute book and seal. Unless otherwise provided in the by-laws to be adopted by the directors, the number of directors required to constitute a quorum shall be a majority of the directors then in office. If a quorum is present, a majority of the directors present may take any action on behalf of the board of directors except to the extent that a larger number is required by this section, other applicable laws or by-laws adopted by the directors.

**SECTION 5.** (a) The commission shall, subject only to the restrictions and limitations hereinafter contained, have the following powers for the purpose of developing the surplus development parcel:

(1) to sue and be sued in its own name and plead and be impleaded;

(2) to adopt rules, by-laws and regulations for the regulation of its affairs and the conduct of its business, and to alter the same;

(3) to receive and accept from any federal agency or the commonwealth: grants, loans or advances for or in aid of the project, and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made;

(4) to borrow money and to borrow money against its income stream as well as its assets, and from time to time, to make, accept, endorse and execute promissory notes, bills of exchange, and other obligations of the commission, for moneys borrowed or in payment for property acquired or for any of the other purposes of the commission, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights or privileges of the commission;

(5) to provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act;

(6) to acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein, on such terms and conditions and in such manner as it may deem proper;

(7) to procure insurance against any loss in connection with the surplus development parcel and in such amounts and from such insurers as it deems desirable; and

(8) to arrange or contract with the city or town for the planning, replanning, opening, grading, or closing of streets, roads, alleys, or other places or for the furnishing of facilities or for the acquisition by the city or town of property or property rights for the furnishing of property or services in connection with the project.

(b) The chairman shall, subject only to the restrictions and limitations hereinafter contained, have the following powers for the purpose of developing the surplus development parcel:

(1) to make and enter into all contracts and agreements necessary or incidental to the performance of her duties and the execution of her powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in her judgment, and to fix their compensation;

(2) to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof of the surplus development parcel;

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(3) to sell, convey, mortgage, lease transfer, option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the commission may require, subject to such limitations as may be prescribed under this act or applicable law;

(4) to make certain use restrictions concerning the future use and development of the project in accordance with the town zoning regulations.

Subject to the other provisions of this section, the commission shall use or distribute all property from time to time held by the commission solely in the furtherance of its corporate purposes in such manner as the chairman shall determine; no part of the assets or net earnings, if any, of the commission shall inure to the benefit of, or be distributable to, its directors or any private individual except that the commission shall be authorized and empowered to pay a reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes hereunder and the commission shall not directly or indirectly participate in or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

**SECTION 6.** The commission and the chairman shall work cooperatively with the agency, the Lawrence Municipal Airport Commission, the Massachusetts Aeronautical Commission and the Federal Aviation Commission in carrying out its respective duties and obligations under this act.

**SECTION 7.** The commission shall, with the assistance of the city, town, the commissioner of revenue and the agency, determine a plan for the assessment, collection and abatement of real property taxes in the surplus development parcel. The tax revenue sharing plan shall provide for the imposition, levy, collection and disbursement of reasonable assessments, rates, and property taxes upon areas lying within the surplus development parcel. The commission shall establish a property tax rate for businesses located within the surplus development parcel, based on a rate which blends the business tax rates or equivalent thereof then applicable in the city and town. The city and town shall not be entitled to assess any fees or taxes on property, persons or businesses located in said surplus development parcel unless the city or town has by agreement with the commission undertaken to issue specific licenses and permits to persons, businesses or other entities within the surplus development parcel. In such cases, the city or town issuing said licenses or permits may assess and collect a reasonable fee for the issuance of such licenses and permits from the licensees or permittees.

Upon approval of the tax revenue sharing plan by the commissioner of revenue and review by the agency, the commission shall exercise all the powers granted to cities and towns to enable the imposition, levy, collection and disbursement of such taxes on property, persons or businesses located in the surplus development parcel. All such taxes collected by the commission shall be dispersed to the city and town in accordance with the following formula:

Of the amount of revenues collected, the first \$62,500 shall be paid to the town; pro-

vided, however, that said dollar amount shall be increased annually thereafter by the commission by a percentage amount equal to the percentage increase in the most recent Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. In return for said payment, the town shall accept roads and utilities as public ways and public utilities, and shall perform all municipal functions including maintenance, repairs, replacement of road and utility systems. In addition, the town shall provide public safety services including police, fire and EMT services. Any funds collected in excess of said amount shall be paid 50 per cent to the city and 50 per cent to the town.

This formula may be revised from time to time with the prior approval of the city, town, the commissioner of revenue and review by the agency.

**SECTION 8.** The commission shall keep an accurate account of all its activities and all receipts and expenditures, prepare annual reports of its activities in the surplus development parcel during the preceding fiscal year and submit such reports to the city, town, and agency, and such other entities as may be required under applicable federal and state laws.

**SECTION 9.** (a) Unless otherwise extended by operation of subsection (b), the commission shall be dissolved no later than the last day of the fiftieth year following the effective date of this act; (b) at least 24 months prior to the termination date of said commission, unless any matter which would otherwise be addressed therein requires earlier agreement between the city and town, the city and town shall enter into an intermunicipal agreement in accordance with section 4A of chapter 40 of the General Laws or other such similar statute, which among other things, shall provide for the following: (i) the disposition of all real and personal property located within the surplus development parcel which the commission owns or has any interest in on the date of termination; (ii) the assumption of all contractual obligations including all lease agreements of said commission which do not expire on the date of termination; (iii) the assessment, collection and distribution of tax and nontax revenue to the city and town in accordance with section 7; (iv) the arrangement for the provision of, and reimbursement for, municipal services furnished to the surplus development parcel by the city or town; and (v) resolution of any other matters relating to said commission which the city and town determine to be in their best interest.

Approved April 14, 2000.

## **Chapter 68. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO GRANT A PENSION TO ARLENN OFFICER.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section 6 of chapter 32 of the General Laws or any other general or special law to the contrary, and in order to promote the public good, the state



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board of retirement is hereby authorized and directed to credit Arlenn Officer, a psychologist III in the department of mental health, with an additional one year and 42 weeks of creditable service, for the purposes of determining her ordinary disability retirement allowance pursuant to said section 6 of said chapter 32. Eligibility for said creditable service shall be conditioned upon payment to the state employees' retirement system of an amount equal to the contribution she would have otherwise owed for said period of creditable service together with regular interest thereon. Such repayment shall be made in one sum, or in installments, as the state retirement board shall prescribe. Said Arlenn Officer shall be entitled to and shall receive all annual cost of living adjustments to her annual pension granted under section 102 of said chapter 32 or any other general or special law.

Approved April 20, 2000.

**Chapter 69. AN ACT RELATIVE TO THE HARBORMASTER, ASSISTANT HARBORMASTERS, SHELLFISH WARDEN AND ASSISTANT SHELLFISH WARDENS OF THE TOWN OF FAIRHAVEN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the harbormaster, assistant harbormasters, shellfish warden and assistant shellfish wardens for the town of Fairhaven shall be appointed by the board of selectmen of the town for terms not less than one nor more than three years, and any of them may be removed for cause by the board of selectmen before the expiration of the term.

**SECTION 2.** This act shall apply to the harbormaster, assistant harbormasters, shellfish warden and assistant shellfish wardens holding office on the effective date of this act, except that each of their current terms in office shall expire on the date originally established at the time of this appointment to that term, or three years from the date of that appointment, whichever is earlier.

Approved April 20, 2000.

**Chapter 70. AN ACT RELATIVE TO APPROPRIATIONS AFTER CERTAIN MUNICIPAL BALLOT QUESTIONS.**

*Be it enacted, etc., as follows:*

Section 21C of chapter 59 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out paragraph (m) and inserting in place thereof the following paragraph:-

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(m) A town may appropriate from the tax levy, from available funds, or from borrowing, contingent on the passage of a ballot question under paragraph (g), (i½) or (k), but: (1) the statement of the purpose of the appropriation shall be substantially the same as the statement of purpose in the ballot question; (2) the appropriation vote shall not be deemed to take effect until the approval of the ballot question; (3) no election at which the question appears on the ballot shall take place later than the September 15 following the date of an appropriation vote adopted at an annual town meeting, or 90 days after the date of the close of any other town meeting at which an appropriation vote was adopted; and (4) after a contingent appropriation from the tax levy, a tax rate for a town shall not be submitted for certification by the commissioner under section 23 until after a ballot question under paragraph (g), (i½) or (k) has been voted upon, or until the expiration of the time for holding an election at which the question appears on the ballot, whichever period is shorter.

Approved April 20, 2000.

### **Chapter 71. AN ACT AUTHORIZING THE TOWN OF GRAFTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Grafton may issue one additional license for the sale of wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138. The license shall be subject to all the provisions of said chapter 138 except said section 17.

Approved April 21, 2000.

### **Chapter 72. AN ACT RELATIVE TO THE FINANCING OF CERTAIN INFRASTRUCTURE AND OTHER IMPROVEMENTS IN THE TOWN OF FOXBOROUGH AND THE DUTIES OF THE COMMISSIONER OF PROBATION.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide further for the collection of certain fees to be deposited in the general fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of chapter 211F of the General Laws is hereby amended by

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striking out, in lines 13 and 14, as appearing in the 1998 Official Edition, the words "chief justice for administration and management of the trial court" and inserting in place thereof the following word:- commissioner.

**SECTION 2.** Section 4 of said chapter 211F, as so appearing, is hereby amended by striking out, in line 31, the words "chief justice" and inserting in place thereof the following word:- commissioner.

**SECTION 3.** Section 6 of said chapter 211F, as so appearing, is hereby amended by striking out, in lines 18 and 19, the words "chief justice for administration and management of the trial court" and inserting in place thereof the following word:- commissioner.

**SECTION 4.** Subsection (b) of section 7 of chapter 16 of the acts of 1999 is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) Notwithstanding any provision of this act to the contrary, a licensing fee shall be charged to the licensee for all parking spaces licensed by the appropriate town within the parking and traffic management zone, which fee shall be collected by the towns of Sharon, Walpole and Wrentham and the town and returned to the commonwealth for deposit in the general fund. The towns of Sharon, Walpole and Wrentham and the town shall have all powers necessary to collect such fees in said towns located within the parking and traffic management zone including the power to collect such fees through the procedures provided by chapter 60 of the General Laws. The department of state police shall have authority to enforce the licensing requirements for open-air parking spaces pursuant to section 56 of chapter 148 of the General Laws. The annual aggregate amount of the fee to be collected from such parking spaces shall be determined annually by the secretary of administration and finance in an amount sufficient to collect annually an aggregate amount of \$750,000 from the fee for parking spaces within the economic development area and an aggregate amount of \$400,000 from the fee for parking spaces outside the economic development area. The secretary of administration and finance shall adopt procedures and guidelines for the determination, assessment and collection of such fees consistent with this act, which shall be binding on said towns.

**SECTION 5.** Subsection (c) of said section 7 of said chapter 16 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said secretary shall certify to the state treasurer a projection of the revenue from administrative parking fees instituted pursuant to subsection (b) to be remitted by the towns of Sharon, Walpole and Wrentham and the town to the commonwealth each year.

**SECTION 6.** Section 8 of said chapter 16 is hereby amended by striking out the third sentence.

Approved April 21, 2000.

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**Chapter 73. AN ACT DESIGNATING A CERTAIN EXIT RAMP IN THE CITY OF NEW BEDFORD AS THE ALVIN GLASER MEMORIAL EXIT.**

*Be it enacted, etc., as follows:*

The exit ramp from state highway route 18 south, now known as the Purchase street exit, in the city of New Bedford shall be designated and known as the Alvin Glaser Memorial Exit, in memory of Alvin Glaser. The department of highways shall erect suitable markers bearing such designation in compliance with the standards of the department.

Approved April 21, 2000.

**Chapter 74. AN ACT AUTHORIZING THE CITY OF REVERE TO PAY THE FUNERAL AND BURIAL EXPENSES OF FIREFIGHTER THEODORE A. FERRANTE, JR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of section 100G! of chapter 41 of the General Laws, the city of Revere may pay the reasonable expenses, not exceeding \$10,000, of the funeral and burial of firefighter Theodore A. Ferrante, Jr. killed while in the performance of his duties.

**SECTION 2.** Section 1 of this act shall take effect upon its acceptance by the city of Revere.

**SECTION 3.** Section 2 of this act shall take effect upon its passage.

Approved April 21, 2000.

**Chapter 75. AN ACT AUTHORIZING THE TOWN OF STOW TO RELEASE A CERTAIN CONSERVATION RESTRICTION.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Stow, acting by and through its board of selectmen, may release a certain parcel of land subject to a conservation restriction granted to the town of Stow by Richard E. and Dorothy M. Bolton on October 27, 1992 and recorded at the Middlesex south registry of deeds on October 27, 1992 as document 119S from the restriction. The parcel of land to be released is shown on a plan entitled "Plan of Land on Apple Blossom Way in Stow, MA." dated November 2, 1998, prepared by Acton Survey and Engineering.

In consideration for the release of the conservation restriction, Richard E. and Dorothy M. Bolton, owners of the parcel of land, shall grant to the town of Stow, a conservation restriction in perpetuity on the land shown as Parcel G on the plan.



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**SECTION 2.** This act shall take effect upon its passage.

Approved April 21, 2000.

**Chapter 76. AN ACT AUTHORIZING THE CITY OF QUINCY TO GRANT CERTAIN EASEMENTS.**

*Be it enacted, etc., as follows:*

The mayor of the city of Quincy, acting for and on behalf of the city, shall, notwithstanding any general or special law, grant permanent subsurface sewer tunnel easements through certain parcels of land in the city and acquired by the city for open space uses and for park and playground purposes, to the Massachusetts Water Resources Authority, for nominal consideration of \$1 for the purposes of installing, maintaining and operating a subsurface sewer pipeline, together with any necessary structures, facilities and appurtenances, including without limitation fiber optic cabling, as may be needed, in connection with the so-called Braintree-Weymouth Tunnel, which when completed, will provide improved sewer service to meet the needs of the metropolitan Boston area. The first easement is shown as Easement No. E-32, on a plan entitled "Permanent Subsurface Tunnel Easement Plan and Profile Quincy, Weymouth, Norfolk County", prepared for the Massachusetts Water Resources Authority by Howe Surveying Associates, Inc., dated August 10, 1998 (the "Plan"). The second easement is shown as Easement No. E-23 on the above described plan.

Approved April 21, 2000.

**Chapter 77. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF SHEFFIELD.**

*Be it enacted, etc., as follows:*

Chapter 320 of the acts of 1994 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* Any holder of an elective office in the town of Sheffield may be recalled therefrom by the qualified voters of said town as provided in this act for any of the following reasons: lack of fitness; neglect of duties; corruption; misfeasance or violation of oath. Exercising discretion in voting or acting on matters before such office holder shall not constitute a reason for recall.

Approved April 28, 2000.

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## **Chapter 78. AN ACT RELATIVE TO LIFE INSURANCE COMPANY LIQUIDATION PROCEEDINGS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds that proceedings in cases of insurer insolvency and delinquency are an integral aspect of the business of insurance and are of vital public interest and concern. Certain provisions of this act are enacted as part of a comprehensive scheme for the rehabilitation and liquidation of insurance companies, as part of the regulation of the business of insurance in the commonwealth.

**SECTION 2.** Section 46A of chapter 175 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the word "When", in line 1, and inserting in place thereof the following words:- Except as otherwise provided in section 180F, when.

**SECTION 3.** Said chapter 175 is hereby further amended by inserting after section 132H the following section:-

Section 132I. Any insurer authorized to issue annuity contracts in the commonwealth may issue one or more funding agreements, in fixed or variable dollar amounts or in both, to fund (i) benefits under any employee benefit plan as defined in the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1002; (ii) the activities of any organization exempt from taxation under section 501(c) of the Internal Revenue Code or any similar organization in any foreign country; (iii) any program of the government of the United States, the government of any state, foreign country or political subdivision thereof; (iv) any agreement providing for periodic payments in satisfaction of a claim; or (v) any program of any individual or entity which has assets in excess of \$25,000,000. Amounts paid to the insurer under such funding agreements may be allocated by the insurer to its general account or to one or more separate accounts pursuant to section 132F or section 132G. The issuance of a funding agreement in the commonwealth shall constitute doing an insurance business herein. For purposes of section 180F, funding agreements shall be treated as insurance contracts, and the holders thereof shall be entitled to the same priority of distribution as policyholders.

**SECTION 4.** The definition of "General assets" in section 180A of said chapter 175, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- Pursuant to the applicable separate account agreements and section 132F or section 132G, assets of a separate account that are not chargeable with liabilities arising out of any other business of the insurer shall not be general assets.

**SECTION 5.** Said section 180A of said chapter 175, as so appearing, is hereby further amended by inserting after the definition of "Secured claim" the following definition:-

"Separate account agreement" means any life policy or contract, annuity contract, funding agreement or other policy or contract referred to in section 132F, 132G or 132I, providing for the allocation of amounts received in connection with such policy, contract or agreement to a separate investment account or accounts created pursuant to section 132F or

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section 132G.

**SECTION 6.** Section 180F of said chapter 175, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The priority of distribution from the general assets of an insurer in a liquidation proceeding shall be in the order set forth below. Every claim in each priority class shall, subject to such limitations as may be prescribed by law and that do not directly conflict with the express provisions of this section, be paid in full or adequate funds shall be retained for such payment before the members of the next class receive any payment. Except as otherwise expressly provided in this section, no subclasses shall be established within any of the first six priority classes. The order of distribution of claims shall be:

(1) expenses of administration;

(2) claims of policyholders, beneficiaries and insureds arising from and within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the company and claims presented by the Massachusetts Insurers Insolvency Fund, the Massachusetts Life and Health Insurance Guaranty Association or any similar organization in another state, but the workers' compensation claims afforded a preference in section 46A shall be treated as preferred only as respects all other claims in this clause;

(3) claims for return premiums under section 46;

(4) claims of the federal government other than those included in class 2 or 3;

(5) compensation of employees other than officers for services rendered within three months prior to the commencement of a proceeding under section 180C not to exceed \$1,000 for each such employee;

(6) claims for taxes and debts due to any state or local government, which are secured by liens perfected prior to the commencement of delinquency proceedings; and

(7) all other claims.

**SECTION 7.** Said section 180F of said chapter 175, as so appearing, is hereby further amended by adding the following paragraph:-

Separate account agreements providing that the assets in separate accounts to which such agreements relate shall not be chargeable with liabilities arising out of any other business of the insurer shall, to the extent of the reserves and other contract liabilities with respect to such agreements, be satisfied out of the assets available in the related separate accounts, subject to the claims of creditors for services rendered or credit extended with respect to such separate accounts. Such claims shall be payable in accordance with their terms, and to the extent, if any, that the insurer's obligations under such separate account agreements are not fully discharged by the assets available in such separate accounts, such deficiency shall be treated as a claim against the general assets of the life insurance company with the same priority as claims of policyholders, beneficiaries and insureds pursuant to the priority class set forth in clause (2) of the fifth paragraph.

**SECTION 8.** Section 6 of this act shall apply to all pending and future claims in liquidation proceedings pending on the effective date of this act and to claims in liquidation

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proceedings filed after the effective date of this act.

Approved April 28, 2000.

**Chapter 79. AN ACT RELATIVE TO INCOME TAXATION AND CERTAIN  
INCOME ELIGIBILITY CALCULATIONS FOR CERTAIN  
RECOVERED ASSETS OF HOLOCAUST SURVIVORS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to exempt forthwith from income taxation and certain income eligibility calculations for certain recovered assets of Holocaust survivors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following subparagraph:-

(K) The following items, to the extent included in federal gross income:

(i) distributions or payments, including interest, if any, made to an individual because of his status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of such victim and

(ii) income, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including but not limited to, payments of compensation or reparation, and interest on and the proceeds of insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this deduction from federal gross income shall not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who was a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of such a victim.

**SECTION 2.** Notwithstanding any general or special law to the contrary, any recovered asset, distribution or restitution payment as defined by subparagraph (K) of paragraph (2) of subsection (a) of section 2 of chapter 62 of the General Laws to the extent included in federal gross income, shall be excluded for the purpose of determining eligibility for any income-guideline or income-eligible program in the commonwealth.

**SECTION 3.** This act shall apply to tax years commencing on or after January 1, 1998.

Approved May 2, 2000.



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## Chapter 80. AN ACT RELATIVE TO MENTAL HEALTH BENEFITS.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 32A of the General Laws is hereby amended by adding the following section:-

Section 22. (a) The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage on a nondiscriminatory basis for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM": (1) schizophrenia, (2) schizoaffective disorder, (3) major depressive disorder, (4) bipolar disorder, (5) paranoia and other psychotic disorders, (6) obsessive-compulsive disorder, (7) panic disorder, (8) delirium and dementia, (9) affective disorders, and (10) any biologically-based mental disorders appearing in the DSM that are scientifically recognized and approved by the commissioner of the department of mental health in consultation with the commissioner of the division of insurance.

(b) In addition to the coverage established pursuant to this section, any health plan offered by the commission shall also provide coverage on a non-discriminatory basis for the diagnosis and treatment of rape-related mental or emotional disorders to victims of a rape or victims of an assault with intent to commit rape, as defined by sections 22 and 24 of chapter 265, whenever the costs of such diagnosis and treatment exceed the maximum compensation awarded to such victims pursuant to subparagraph (C) of paragraph (2) of subsection (b) of section 3 of chapter 258C.

(c) In addition to the coverage established pursuant to this section, any such health plan shall also provide coverage on a non-discriminatory basis for children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral or emotional disorders described in the most recent edition of the DSM which substantially interfere with or substantially limit the functioning and social interactions of such a child or adolescent; provided, that said interference or limitation is documented by and the referral for said diagnosis and treatment is made by the primary care physician, primary pediatrician, or a licensed mental health professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or others. Any such health plan shall continue to provide such coverage to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit contract under which such benefits first became available remains in effect, or subject to a subsequent benefits contract which is in effect.

(d) Any such health plan shall be deemed to be providing such coverage on a non-discriminatory basis if said plan does not contain any annual or lifetime dollar or unit

of service limitation on coverage for the diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical conditions.

(e) The commission shall also provide medically necessary coverage for the diagnosis and treatment of all other mental disorders not otherwise provided for in this section and which are described in the most recent edition of the DSM during each 12 month period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

(f) The commission shall also provide benefits contained in subdivision (H) of section 110 of chapter 175. The limitation on benefits for the treatment of alcoholism or chemical dependency established by said subdivision (H) of said section 110 shall not apply when said treatment is rendered in conjunction with treatment for mental disorders pursuant to this section nor shall said limitation on benefits established by said subdivision (H) of section 110 impose or be construed to impose any restriction or limitation in connection with benefits for the treatment of mental disorders pursuant to this section.

(g) The coverage authorized pursuant to this section shall consist of a range of inpatient, intermediate, and outpatient services that shall permit medically necessary and active and noncustodial treatment for said mental disorders to take place in the least restrictive clinically appropriate setting. For purposes of this section, inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital, a mental health or substance abuse clinic licensed by the department of public health, a public community mental health center, a professional office, or home-based services, provided, however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.

(h) The commission may, as a condition of providing coverage pursuant to this section, require consent to the disclosure of information regarding services for mental disorders only to the same or similar extent in which it requires consent for the disclosure of information for other medical conditions. Only licensed mental health professionals shall be allowed to deny services mandated by this section. The provisions of this subsection shall not be construed as applying to denials of service resulting from an insured's lack of insurance coverage or the use of a facility or professional which, if applicable, has not entered into a negotiated agreement with a health plan. The benefits provided in any insurance plan pursuant to this section shall meet all other terms and conditions of the plan not inconsistent with this section.

(i) Nothing in this section shall be construed to require the commission to pay for

mental health benefits or services: which are provided to a person who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility in the department of youth services within the commonwealth or one of its political subdivisions; which constitute educational services required to be provided by a school committee pursuant to section 5 of chapter 71B; or which constitute services provided by the department of mental health.

For purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, or a licensed nurse mental health clinical specialist.

**SECTION 2.** Chapter 175 of the General Laws is hereby amended by striking out section 47B, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 47B. (a) Any individual policy of accident and sickness insurance issued pursuant to section 108, which provides hospital expense and surgical expense insurance, and any group blanket or general policy of accident and sickness insurance issued pursuant to section 110, which provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM": (1) schizophrenia, (2) schizoaffective disorder, (3) major depressive disorder, (4) bipolar disorder, (5) paranoia and other psychotic disorders, (6) obsessive-compulsive disorder, (7) panic disorder, (8) delirium and dementia, (9) affective disorders, and (10) any biologically-based mental disorders appearing in the DSM that are scientifically recognized and approved by the commissioner of the department of mental health in consultation with the commissioner of the division of insurance.

(b) In addition to the mental health benefits established pursuant to this section, any such policy shall also provide benefits on a non-discriminatory basis for the diagnosis and treatment of rape-related mental or emotional disorders to victims of a rape or victims of an assault with intent to commit rape, as defined by sections 22 and 24 of chapter 265, whenever the costs of such diagnosis and treatment exceed the maximum compensation awarded to such victims pursuant to subparagraph (C) of paragraph (2) of subsection (b) of section 3 of chapter 258C.

(c) In addition to the mental health benefits established pursuant to this section, any such policy shall also provide benefits on a non-discriminatory basis for children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral or emotional disorders, as described in the most recent edition of the DSM, which substantially interfere with or substantially limit the functioning and social in-



teractions of such a child or adolescent; provided, that said interference or limitation is documented by and the referral for said diagnosis and treatment is made by the primary care physician, primary pediatrician or a licensed mental health professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or others. The insurer shall continue to provide such benefits to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit contract under which such benefits first became available remains in effect, or subject to a subsequent benefits contract which is in effect.

(d) Any such policy shall be deemed to be providing such benefits on a nondiscriminatory basis if the policy does not contain any annual or lifetime dollar or unit of service limitation on coverage for the diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical conditions.

(e) Any such policy shall also provide medically necessary benefits for the diagnosis and treatment of all other mental disorders not otherwise provided for in this section and which are described in the most recent edition of DSM during each 12 month period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

(f) The limitation on benefits for the treatment of alcoholism or chemical dependency established by subdivision (H) of section 110 shall not apply when said treatment is rendered in conjunction with treatment for mental disorders pursuant to this section nor shall said limitation on benefits established by said subdivision (H) of said section 110 impose or be construed to impose any restriction or limitation in connection with benefits for the treatment of mental disorders pursuant to this section.

(g) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and outpatient services that shall permit medically necessary and active and noncustodial treatment for said mental disorders to take place in the least restrictive clinically appropriate setting. For purposes of this section, inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital, a mental health or substance abuse clinic licensed by the department of public health, a public community mental health center, a professional office, or home-based services, provided, however, services delivered in such offices or settings are rendered by a licensed



mental health professional acting within the scope of his license.

(h) An insurer may, as a condition of providing coverage pursuant to this section, require consent to the disclosure of information regarding services for mental disorders only to the same or similar extent in which it requires consent for the disclosure of information for other medical conditions. Only licensed mental health professionals shall be allowed to deny services mandated by this section. The provisions of this subsection shall not be construed as applying to denials of service resulting from an insured's lack of insurance coverage or the use of a facility or professional which, if applicable under the insured's benefits contract, has not entered into a negotiated agreement with the insurer. The benefits provided in any policy pursuant to this section shall meet all other terms and conditions of the policy not inconsistent with this section.

(i) Nothing in this section shall be construed to require an insurer to pay for mental health benefits or services: which are provided to a person who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility in the department of youth services within the commonwealth or one of its political subdivisions; which constitute educational services required to be provided by a school committee pursuant to section 5 of chapter 71B; or which constitute services provided by the department of mental health.

For the purposes of this section, a "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, or a licensed nurse mental health clinical specialist.

For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as a medical benefit and shall be covered in a manner identical to all other medical services.

**SECTION 3.** Section 108E of said chapter 175, as so appearing, is hereby amended by inserting after the word "conditions", in line 7, the following words:- under different terms and conditions than the consent required for the disclosure of information for other medical conditions.

**SECTION 4.** Chapter 176A of the General Laws is hereby amended by striking out section 8A, as so appearing, and inserting in place thereof the following section:-

Section 8A. (a) Any contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and members and group members having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM": (1) schizophrenia, (2) schizoaffective disorder, (3) major depressive disorder, (4) bipolar disorder, (5) paranoia and other psychotic disorders, (6) obsessive-compulsive disorder, (7) panic disorder, (8) delirium and dementia, (9) affective

disorders, and (10) any biologically-based mental disorders appearing in the DSM that are scientifically recognized and approved by the commissioner of the department of mental health in consultation with the commissioner of the division of insurance.

(b) In addition to the mental health benefits established pursuant to this section, any such contract shall also provide benefits on a non-discriminatory basis for the diagnosis and treatment of rape-related mental or emotional disorders to victims of a rape or victims of an assault with intent to commit rape, as defined by sections 22 and 24 of chapter 265, whenever the costs of such diagnosis and treatment exceed the maximum compensation awarded to such victims pursuant to subparagraph (C) of paragraph (2) of subsection (b) of section 3 of chapter 258C.

(c) In addition to the mental health benefits established pursuant to this section, any such contract shall also provide benefits on a non-discriminatory basis for children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral or emotional disorders, as described in the most recent edition of the DSM, which substantially interfere with or substantially limit the functioning and social interactions of such a child or adolescent; provided, that said interference or limitation is documented by and the referral for said diagnosis and treatment is made by the primary care physician, primary pediatrician or a licensed mental health professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, or (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or others. The nonprofit hospital service corporation shall continue to provide such benefits to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit contract under which such benefits first became available remains in effect, or subject to a subsequent benefits contract which is in effect.

(d) Any such contract shall be deemed to be providing such coverage on a non-discriminatory basis if the contract does not contain any annual or lifetime dollar or unit of service limitation on benefits for the diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on benefits for the diagnosis and treatment of physical conditions.

(e) Any such contract shall also provide medically necessary benefits for the diagnosis and treatment of all other mental disorders not otherwise provided for in this section and which are described in the most recent edition of the DSM during each 12 month period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

(f) The limitation on benefits for the treatment of alcoholism or chemical dependency established by section 10 shall not apply when said treatment is rendered in conjunction with treatment for mental disorders pursuant to this section nor shall said limitation on benefits established by said section 10 impose or be construed to impose any restriction or limitation

in connection with benefits for the treatment of mental disorders pursuant to this section.

(g) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and outpatient services that shall permit medically necessary and active and noncustodial treatment for said mental disorders to take place in the least restrictive clinically appropriate setting. For purposes of this section, inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital, a mental health or substance abuse clinic licensed by the department of public health, a public community mental health center, a professional office, or home-based services, provided, however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.

(h) A nonprofit hospital service corporation may, as a condition of providing coverage pursuant to this section, require consent to the disclosure of information regarding services for mental disorders only to the same or similar extent in which it requires consent for the disclosure of information for other medical conditions. Only licensed mental health professionals shall be allowed to deny services mandated by this section. The provisions of this subsection shall not be construed as applying to denials of service resulting from an insured's lack of insurance coverage or the use of a facility or professional which, if applicable under the insured's benefits contract, has not entered into a negotiated agreement with said hospital service corporation. The benefits provided in any contract pursuant to this section shall meet all other terms and conditions of the contract not inconsistent with this section.

(i) Nothing in this section shall be construed to require a non-profit hospital service corporation to pay for mental health benefits or services: which are provided to a person who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility in the department of youth services within the commonwealth or one of its political subdivisions; which constitute educational services required to be provided by a school committee pursuant to section 5 of chapter 71B; or which constitute services provided by the department of mental health.

For the purposes of this section, a "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, or a licensed nurse mental health clinical specialist.

For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as a medical benefit and shall be covered in a manner identical to all other medical services.



**SECTION 5.** Said chapter 176A, as so appearing, is hereby further amended by striking out section 8A½, as so appearing.

**SECTION 6.** Chapter 176B of the General Laws is hereby amended by striking out section 4A, as so appearing, and inserting in place thereof the following section:-

Section 4A. (a) Any subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM": (1) schizophrenia, (2) schizoaffective disorder, (3) major depressive disorder, (4) bipolar disorder, (5) paranoia and other psychotic disorders, (6) obsessive-compulsive disorder, (7) panic disorder, (8) delirium and dementia, (9) affective disorders, and (10) any biologically-based mental disorders appearing in the DSM Association that are scientifically recognized and approved by the commissioner of the department of mental health in consultation with the commissioner of the division of insurance.

(b) In addition to the mental health benefits established pursuant to this section, any such subscription certificate shall also provide benefits on a non-discriminatory basis for the diagnosis and treatment of rape-related mental or emotional disorders to victims of a rape or victims of an assault with intent to commit rape, as defined by sections 22 and 24 of chapter 265, whenever the costs of such diagnosis and treatment exceed the maximum compensation awarded to such victims pursuant to subparagraph (C) of paragraph (2) of subsection (b) of section 3 of chapter 258C.

(c) In addition to the mental health benefits established pursuant to this section, any such subscription certificate shall also provide benefits on a non-discriminatory basis for children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral or emotional disorders, as described in the most recent edition of the DSM, which substantially interfere with or substantially limit the functioning and social interactions of such a child or adolescent; provided, that said interference or limitation is documented by and the referral for said diagnosis and treatment is made by the primary care physician, primary pediatrician or a licensed mental health professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or others. The nonprofit medical service corporation shall continue to provide such benefits to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment



plan, is completed and while the benefit contract under which such benefits first became available remains in effect, or subject to a subsequent benefits contract which is in effect.

(d) Any such subscription certificate shall be deemed to be providing such coverage on a nondiscriminatory basis if the subscription certificate does not contain any annual or lifetime dollar or unit of service limitation on coverage for the diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical conditions.

(e) Any such subscription certificate shall also provide medically necessary benefits for the diagnosis and treatment of all other mental disorders not otherwise provided for in this section and which are described in the most recent edition of the DSM during each 12 month period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

(f) The limitation on benefits for the treatment of alcoholism or chemical dependency established by section 4A½ shall not apply when said treatment is rendered in conjunction with treatment for mental disorders pursuant to this section nor shall said limitation on benefits established by said section 4A½ impose or be construed to impose any restriction or limitation in connection with benefits for the treatment of mental disorders pursuant to this section.

(g) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and outpatient services that shall permit medically necessary and active and noncustodial treatment for said mental disorders to take place in the least restrictive clinically appropriate setting. For purposes of this section, inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital, a mental health or substance abuse clinic licensed by the department of public health, a public community mental health center, a professional office, or home-based services, provided, however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.

(h) A nonprofit medical service corporation may, as a condition of providing coverage pursuant to this section, require consent to the disclosure of information regarding services for mental disorders only to the same or similar extent in which it requires consent for the disclosure of information for other medical conditions. Only licensed mental health professionals shall be allowed to deny services mandated by this section. The provisions of this subsection shall not be construed as applying to denials of service resulting from an insured's lack of insurance coverage or the use of a facility or professional which, if applicable under the insured's benefits contract, has not entered into a negotiated agreement

with said medical service corporation. The benefits provided in any subscription certificate pursuant to this section shall meet all other terms and conditions of the subscription certificate not inconsistent with this section.

(i) Nothing in this section shall be construed to require a non-profit medical service corporation to pay for mental health benefits or services: which are provided to a person who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility in the department of youth services within the commonwealth or one of its political subdivisions; which constitute educational services required to be provided by a school committee pursuant to section 5 of chapter 71B; or which constitute services provided by the department of mental health.

For the purposes of this section, a "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, or a licensed nurse mental health clinical specialist.

For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as a medical benefit and shall be covered in a manner identical to all other medical services.

**SECTION 7.** Said chapter 176B is hereby amended by striking out section 4B, as so appearing.

**SECTION 8.** Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any health maintenance contract shall provide coverage for those health services relating to the treatment of alcoholism as required by subdivision (H) of section 110 of chapter 175.

**SECTION 9.** Section 4B of said chapter 176G, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:-

No health maintenance organization shall require as a condition to receiving benefits pursuant to this chapter consent to the disclosure of information regarding services for mental disorders under different terms and conditions than consent is required for the disclosure of information for other medical conditions; provided, however, that:-

**SECTION 10.** Said chapter 176G is hereby amended by inserting after section 4L, as so appearing, the following section:-

Section 4M. (a) A health maintenance contract issued or renewed within or without the commonwealth shall provide mental health benefits on a nondiscriminatory basis to residents of the commonwealth and to all members or enrollees having a principal place of employment in the commonwealth for the diagnosis and treatment of the following biologically-based mental disorders, as described in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, referred to in this section as "the DSM": (1) schizophrenia, (2) schizoaffective disorder, (3) major depressive disorder,

(4) bipolar disorder, (5) paranoia and other psychotic disorders, (6) obsessive-compulsive disorder, (7) panic disorder, (8) delirium and dementia, (9) affective disorders, and (10) any biologically-based mental disorders appearing in the DSM that are scientifically recognized and approved by the commissioner of the department of mental health in consultation with the commissioner of the division of insurance.

(b) In addition to the mental health benefits established pursuant to this section, any such health maintenance contract shall also provide benefits on a non-discriminatory basis for the diagnosis and treatment of rape-related mental or emotional disorders to victims of a rape or victims of an assault with intent to commit rape, as defined by sections 22 and 24 of chapter 265, whenever the costs of such diagnosis and treatment exceed the maximum compensation awarded to such victims pursuant to subparagraph (C) of paragraph (2) of subsection (b) of section 3 of chapter 258C.

(c) In addition to said mental health benefits established pursuant to this section, any such health maintenance contract shall also provide benefits on a non-discriminatory basis to children and adolescents under the age of 19 for the diagnosis and treatment of non-biologically-based mental, behavioral or emotional disorders, as described in the most recent edition of the DSM, which substantially interfere with or substantially limit the functioning and social interactions of such a child or adolescent; provided, that said interference or limitation is documented by and the referral for said diagnosis and treatment is made by the primary care physician, primary pediatrician or a licensed mental health professional of such a child or adolescent or is evidenced by conduct, including, but not limited to: (1) an inability to attend school as a result of such a disorder, (2) the need to hospitalize the child or adolescent as a result of such a disorder, (3) a pattern of conduct or behavior caused by such a disorder which poses a serious danger to self or others. The health maintenance organization shall continue to provide such benefits to any adolescent who is engaged in an ongoing course of treatment beyond the adolescent's nineteenth birthday until said course of treatment, as specified in said adolescent's treatment plan, is completed and while the benefit contract under which such benefits first became available remains in effect, or subject to a subsequent benefits contract which is in effect.

(d) Any such health maintenance contract shall be deemed to be providing such coverage on a non-discriminatory basis if the health maintenance contract does not contain any annual or lifetime dollar or unit of service limitation on coverage for the diagnosis and treatment of said mental disorders which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the diagnosis and treatment of physical conditions.

(e) Any such health maintenance contract shall also provide benefits for the diagnosis and treatment of all other mental disorders not otherwise provided for in this section and which are described in the most recent edition of the DSM during each 12 month period for a minimum of 60 days of inpatient treatment and for a minimum of 24 outpatient visits.

(f) The limitation on benefits for the treatment of alcoholism or chemical dependency established by subdivision (H) of section 110 of chapter 175 and by section 4 shall not apply



when said treatment is rendered in conjunction with treatment for mental disorders pursuant to this section nor shall said limitation on benefits established by said subdivision (H) of said section 110 and by said section 4 impose or be construed to impose any restriction or limitation in connection with benefits for the treatment of mental disorders pursuant to this section.

(g) Benefits authorized pursuant to this section shall consist of a range of inpatient, intermediate, and outpatient services that shall permit medically necessary and active and noncustodial treatment for said mental disorders to take place in the least restrictive clinically appropriate setting. For purposes of this section, inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital, a mental health or substance abuse clinic licensed by the department of public health, a public community mental health center, a professional office, or home-based services, provided, however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.

(h) No health maintenance organization shall require as a condition to receiving benefits mandated by this section consent to the disclosure of information regarding services for mental disorders under different terms and conditions than consent is required for disclosure of information for other medical conditions. A determination by a health maintenance organization that services authorized pursuant to this section are not medically necessary shall only be made by a licensed mental health professional; provided, that this provision shall not be construed as applying to denials of service resulting from an insured's lack of insurance coverage or use of a facility or professional which has not entered into a negotiated agreement with the health maintenance organization. The benefits provided in any health maintenance contract pursuant to this section shall meet all other terms and conditions of the health maintenance contract not inconsistent with this section.

(i) Nothing in this section shall be construed to require a health maintenance organization to pay for mental health benefits or services: which are provided to a person who has third party insurance and who is presently incarcerated, confined or committed to a jail, house of correction or prison, or custodial facility in the department of youth services within the commonwealth or one of its political subdivisions; which constitute educational services required to be provided by a school committee pursuant to section 5 of chapter 71B; or which constitute services provided by the department of mental health.

For the purposes of this section, "licensed mental health professional" shall mean a licensed physician who specializes in the practice of psychiatry, a licensed psychologist, a licensed independent clinical social worker, a licensed mental health counselor, or a licensed



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nurse mental health clinical specialist.

For the purposes of this section, psychopharmacological services and neuropsychological assessment services shall be treated as a medical benefit and shall be covered in a manner identical to all other medical services.

**SECTION 11.** All policies, contracts and certificates of health insurance subject to the provisions of section 22 of chapter 32, section 47B of chapter 175, section 8A of chapter 176A, section 4A of chapter 176B, and section 4M of chapter 176G of the General Laws which are delivered, issued, or renewed on or after January 1, 2001 shall conform with the provisions of this act. Form filings implementing this act shall be subject to the approval of the commissioner of insurance.

**SECTION 12.** The provisions of sections 1 to 10, inclusive, shall not apply to small group health benefit plans subject to chapter 176J of the General Laws, or to nongroup health benefit plans subject to chapter 176M of the General Laws; provided, that benefits for mental health services offered by small group and nongroup health plans prior to January 1, 2001 shall not be reduced or otherwise altered after said January 1, 2001 until such time as the provisions of said sections 1 to 11, inclusive, are applicable to said small group and nongroup health benefit plans.

**SECTION 13.** Section 12 is hereby repealed.

**SECTION 14.** Section 13 shall take effect on January 1, 2002.

**SECTION 15.** Sections 1 to 12, inclusive, shall take effect on January 1, 2001.

Approved May 2, 2000.

## Chapter 81. AN ACT RELATIVE TO DIABETES COST REDUCTION.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 32A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 17F the following section:-

Section 17G. The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission coverage for the following items if such items are within a category of benefits or services for which coverage is otherwise afforded, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA<sub>1c</sub>, tests; urinary protein/microalbumin and lipid profiles;

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insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietitian or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. When coverage is provided through a nonprofit hospital service corporation or a nonprofit medical corporation, outpatient self-management training and education shall be provided by a certified diabetes health care provider participating with the hospital service plan or medical service agreement or affiliated with a provider participating with the hospital service plan or medical service agreement. When coverage is provided through a health maintenance contract, outpatient self-management training and education, including medical nutrition therapy, shall be provided by a certified diabetes health care provider participating with the health maintenance contract or affiliated with a provider participating with the health maintenance contract. Nothing in this section shall be construed to require the commission to contract with a certified diabetes health care provider who is not already under contract with the commission.

The benefits provided in this section shall meet all other terms and conditions within an insurance plan. Coverage shall not be reduced or eliminated due to the requirements of this section.

**SECTION 2.** Chapter 118E of the General Laws is hereby amended by inserting after section 10B, as so appearing, the following section:-

Section 10C. The division shall provide coverage for the following items if such items are within a category of benefits or services for which coverage is otherwise afforded, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA1c, tests; urinary protein/microalbumin and lipid profiles; insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor

and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietician or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. Nothing in this section shall be construed to require the division to contract with a certified diabetes health care provider who is not already under contract with the division.

**SECTION 3.** Chapter 175 of the General Laws is hereby amended by striking out section 47N, as so appearing, and inserting in place thereof the following section:-

Section 47N. An individual policy of accident and sickness insurance issued pursuant to section 108 which provides hospital expense and surgical expense insurance, except policies providing supplemental coverage to Medicare or other governmental programs, and any group blanket policy of accident and sickness insurance issued pursuant to section 110 which provides hospital expense and surgical expense insurance, except policies providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for the following items if such items are within a category of benefits or services for which coverage is otherwise afforded by the policy, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA<sub>1c</sub>, tests; urinary protein/microalbumin and lipid profiles; insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider participating with the insurance contract or affiliated with a provider participating with the insurance contract. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietician or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. Nothing in this section shall be construed to require an insurance company to contract with a certified diabetes health care provider who is not already



under contract with the insurance company.

The benefits provided in this section shall meet all other terms and conditions within a policy. Coverage shall not be reduced or eliminated due to the requirements of this section.

**SECTION 4.** Chapter 176A of the General Laws is hereby amended by striking out section 8P, as so appearing, and inserting in place thereof the following section:-

Section 8P. A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for the following items if such items are within a category of benefits or services for which coverage is otherwise afforded by the contract, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA<sub>1c</sub>, tests; urinary protein/microalbumin and lipid profiles; insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider participating with the hospital service plan or affiliated with a provider participating with the hospital service plan. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietitian or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. Nothing in this section shall be construed to require a nonprofit service corporation to contract with a certified diabetes health care provider who is not already under contract with such nonprofit service corporation.

The benefits provided in this section shall meet all other terms and conditions within a subscription certificate. Hospital service plans shall not reduce or eliminate coverage due to the requirements of this section.

**SECTION 5.** Chapter 176B of the General Laws is hereby amended by striking out section 4S, as so appearing, and inserting in place thereof the following section:-



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Section 4S. A subscription certificate under an individual or group medical service agreement which provides hospital expense and surgical expense insurance, except certificates which provide supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth coverage for the following items if such items are within a category of benefits or services for which coverage is otherwise afforded by the medical service agreement, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA1c, tests; urinary protein/microalbumin and lipid profiles; insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider participating with the medical service agreement or affiliated with a provider participating with the medical service agreement. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietician or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. Nothing in this section shall be construed to require a medical service corporation to contract with a certified diabetes health care provider who is not already under contract with such medical service corporation.

The benefits provided in this section shall meet all other terms and conditions within a subscription certificate. Medical service agreements shall not reduce or eliminate coverage due to the requirements of this section.

**SECTION 6.** Chapter 176G of the General Laws is hereby amended by striking out section 4H, as so appearing, and inserting in place thereof the following section:-

Section 4H. Any individual or group health maintenance contract, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide, as set forth in section 47N of chapter 175, coverage for

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the following items if such items are within a category of benefits or services for which coverage is otherwise afforded by the contract, have been prescribed by a health care professional legally authorized to prescribe such items and if the items are medically necessary for the diagnosis or treatment of insulin-dependent, insulin-using, gestational and non-insulin-dependent diabetes: blood glucose monitors; blood glucose monitoring strips for home use; voice-synthesizers for blood glucose monitors for use by the legally blind; visual magnifying aids for use by the legally blind; urine glucose strips; ketone strips; lancets; insulin; insulin syringes; prescribed oral diabetes medications that influence blood sugar levels; laboratory tests, including glycosylated hemoglobin, or HbA1c, tests; urinary protein/microalbumin and lipid profiles; insulin pumps and insulin pump supplies; insulin pens, so-called; therapeutic/molded shoes and shoe inserts for people who have severe diabetic foot disease when the need for therapeutic shoes and inserts has been certified by the treating doctor and prescribed by a podiatrist or other qualified doctor and furnished by a podiatrist, orthotist, prosthetist or pedorthist; supplies and equipment approved by the Federal Drug Administration for the purposes for which they have been prescribed and diabetes outpatient self-management training and education, including medical nutrition therapy, when provided by a certified diabetes health care provider participating with the health maintenance contract or affiliated with a provider participating with the health maintenance contract. As used in this section, "certified diabetes health care provider" shall mean a licensed health care professional with expertise in diabetes, a registered dietitian or a health care provider certified by the National Certification Board of Diabetes Educators as a certified diabetes educator. Nothing in this section shall be construed to require a health maintenance organization to contract with a certified diabetes health care provider who is not already under contract with such health maintenance organization.

The benefits provided in this section shall meet all other terms and conditions within a health maintenance contract. Health maintenance contracts shall not reduce or eliminate coverage due to the requirements of this section.

Approved May 4, 2000.

## **Chapter 82. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to supplement certain appropriations for the fiscal year ending June 30, 2000 and to make certain changes in the law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2000, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**JUDICIARY.**

*Board of Bar Examiners.*

0321-0100 ..... \$62,216

*Trial Court.*

0330-0101 ..... \$551,438

0330-0102 ..... \$190,000

0330-0103 ..... \$87,498

0330-0106 ..... \$136,000

0330-0107 ..... \$272,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Department of Veterans' Services.*

1410-0400 ..... \$682,280

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Department of Environmental Management.*

2100-2030 ..... \$350,000

2100-3010 ..... \$515,933

2300-0106 ..... \$66,000

*Department of Fisheries, Wildlife and Environmental Law Enforcement.*

2350-0100 ..... \$534,408

*Metropolitan District Commission*

2440-2000 ..... \$400,000

2440-5000 ..... \$273,344

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Division of Medical Assistance.*

4000-0700 ..... \$9,000,000

*Department of Transitional Assistance.*

4403-2002 ..... \$1,168,650

*Department of Public Health.*

4510-0103 ..... \$295,279

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4510-0105 .....	\$183,265
4590-0908 ... ..	568,714

Department of Social Services.

4800-0041 .....	\$15,000,000
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Department of Mental Health.

5095-0015 .....	\$409,226
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EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Highways.

6010-0001 .....	\$990,578
6030-7201 .....	\$17,059,179
6030-7221 .....	\$7,309,733

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0040 .....	\$457,888
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State Police.

8100-0007 .....	\$1,894,371
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County Corrections.

8910-0000 .....	\$3,000,000
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SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the general fund unless specifically designated otherwise herein, for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Reserves.

1599-3845 For a reserve to meet the costs of rent and other expenses related to the relocation of state agencies required in order to renovate the Leverett Saltonstall state office building; provided, that the secretary of administration and finance may transfer funds appropriated herein to other items of appropriation and allocations thereof for such purpose . . . . .	\$2,550,000
1599-3945 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Unit 2), and to meet the fiscal year 2000 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential	



positions, so-called which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover such positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers ..... \$6,151,000

Collective Bargaining Reserve Fund ..... 100.0%

- 1599-3947 For a reserve to meet the commonwealth's obligations for fiscal years 2000 to 2003, inclusive, pursuant to section 1 of article 11 of the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Unit 2) regarding a parking reimbursement pilot program, section 10 of article 19 of said agreement regarding a training and career ladders program, section 1 of article 21 of said agreement regarding reimbursement of certain legal fees, section 15 of article 23A of said agreement regarding an alternative dispute resolution program, section 10 of article 25 of said agreement regarding a labor-management committee, and article 28 of said agreement regarding medical and physical fitness standards; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated herein such amounts as are necessary to meet the cost of such obligations; and provided further, that this appropriation shall expire on June 30, 2003 ..... \$2,197,000
- 1599-3952 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of high-

er education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees, AFL-CIO, and to meet the fiscal year costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in "confidential" positions, so-called, which otherwise would be covered by said agreement; provided, that \$136,499 shall be expended for health and welfare costs in accordance with section 2 of article 18 of said agreement; provided further, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover such positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers ..... \$3,330,000  
Collective Bargaining Reserve Fund ..... 100.0%

1599-3953 For a reserve to meet the commonwealth's obligations for fiscal years 2000 and 2001 pursuant to section 3 of article 25 of the collective bargaining agreement between the board of higher education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees, AFL-CIO, regarding an in-service training program, section 2 of article 29 of said agreement regarding a mediation and dispute resolution process and section 6 of article 33 of said agreement regarding HR/CMS related training; provided, that the secretary of administration and finance may allocate or transfer during said fiscal years from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal years such amounts as are necessary to meet the cost of such obliga-

tions where the amounts otherwise available are insufficient for the purpose; provided further, that such transfers shall be in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June 10, 2001 ..... \$375,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0063 For the training and related costs of a state police class of 160 recruits and to provide for partial costs relating to the salaries of state troopers graduating from said class ..... \$2,738,474  
Highway Fund ..... 88.2%  
General Fund ..... 11.8%

*Massachusetts Emergency Management Agency.*

8800-0034 For the outstanding costs of payments and reimbursements to local governments, state agencies, authorities and commissions for assistance as a result of the Presidential Declaration occasioned by the natural disaster of flooding beginning October 20, 1996; provided, that such assistance shall be 12.5 per cent of the total assistance determined as eligible by the Federal Emergency Management Agency, as documented in damage survey reports, so-called, to be distributed according to a schedule of disbursements prepared by the Massachusetts emergency management agency ..... \$2,048,905

8800-0061 For the costs of payments and reimbursements to local governments, state agencies, authorities and commissions for assistance as a result of the Presidential Declaration occasioned by the natural disaster of fire in the city of Worcester beginning December 3, 1999; provided, that such assistance shall be 25 per cent of the total assistance determined as eligible by the Federal Emergency Management Agency, as documented in damage survey reports, so-called, to be distributed according to a schedule of disbursements prepared by the Massachusetts emergency management agency ..... \$1,000,000

**SECTION 3.** Section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out item 2350-0104 and inserting in place thereof the following item:-

2350-0104 For environmental police private details, so-called; provided, that the division may expend revenues of up to \$176,000 collected from fees charged for private details ..... \$176,000

**SECTION 4.** Said section 2 of said chapter 127 is hereby further amended by striking out item 4190-0102 and inserting in place thereof the following item:-

4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$99,000 from co-payments charged to users of said program; provided, that the rates of the co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said Soldiers' Home and approved by the secretary of health and human services; and provided further, that notwithstanding any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system ..... \$99,000

**SECTION 5.** Said chapter 127 is hereby further amended by striking out section 263 and inserting in place thereof the following section:-

*Section 263.* Notwithstanding any general or special law to the contrary, the Massachusetts Maritime Academy may borrow up to \$3,000,000 through the Massachusetts Health and Educational Facilities Authority for the purposes of funding capital construction and renovation costs associated with the construction of an addition to said Academy's Storer Building, so-called.

**SECTION 6.** Said chapter 127 is hereby further amended by striking out section 269 and inserting in place thereof the following section:-

*Section 269.* Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall seek not less than \$15,000,000 in federal financial participation for not less than \$30,000,000 in health expenditures incurred in fiscal years 1996, 1997 to 1998, 1999 and 2000, inclusive, on psychiatric and other health services provided to incarcerated individuals in correctional facilities operated by the department of correction. Upon receipt of federal financial participation, said division may transfer the federal financial participation from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund to the University of Massachusetts medical school. The transfer shall be made in accordance with the terms of an interagency agreement between said department, said medical school and said division.

The interagency agreement shall provide for said medical school to arrange for the delivery of psychiatric and other health services to persons incarcerated in correctional facilities operated by said department. Upon receipt of said federal financial participation, the comptroller shall credit \$5,000,000 to the general fund and the remaining federal financial participation to said intergovernmental transfer account for purposes of financing



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the fiscal year 2000 transfer authorized herein. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years.

**SECTION 7.** Notwithstanding the provisions of any general or special law to the contrary, funds appropriated in item 4000-0700 of section 2 of this act shall be expended exclusively for Medicare Cross-over Claims pursuant to section 267 of chapter 127 of the acts of 1999 but the division of medical assistance shall not make expenditures from said item that are not federally reimbursable.

**SECTION 8.** Notwithstanding any general or special law to the contrary, the division of medical assistance may, during fiscal year 2000, including the accounts payable period for said fiscal year, expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$227,000,000 for a program of MassHealth supplemental payments, so-called, to certain publicly-operated entities providing Title XIX reimbursable services directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid plan. Such funds shall be expended only for payment obligations arising during fiscal year 2000. Such expenditures shall reduce payments from the uncompensated care pool, established pursuant to section 18 of chapter 118G of the General Laws, to such entities by an amount comparable to the net revenues received by such entities under this section. Said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for expenditure shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other nonfederal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than one-half of the gross amounts of supplemental payments, so-called, made by the division under managed care contracts with said commissions.

**SECTION 9.** The comptroller shall transfer \$3,725,529 from revenues credited to the Local Aid Fund in fiscal year 2000 to the Water Pollution Abatement Revolving Fund for the purposes of the commonwealth's match to federal capitalization grants received under Title VI of the federal Clean Water Act, for application pursuant to the provisions of chapter 29C of the General Laws by the Water Pollution Abatement Trust for the purposes specified in said chapter 29C.

Approved May 5, 2000.

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**Chapter 83. AN ACT PROVIDING FOR THE CONVEYANCE BY THE TOWN OF ROWLEY OF CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Rowley, acting through its conservation commission, may convey a parcel of land containing 16,204 square feet of land to the Perley Marina Realty Trust and currently held in conservation by the town and the conservation commission under section 8C of chapter 40 of the General Laws and described in section 2 in return for the conveyances by the Perley Marina Realty Trust and one Lynda M. Kubik to the town of two parcels of land, one containing five acres and described in section 2 to be held and used for conservation purposes and one containing 3,544 square feet of land and described in section 3 to be used only for purposes appurtenant to the landing and launching ramp owned by the town on the Rowley river.

**SECTION 2.** The parcel to be conveyed to the town of Rowley through its conservation commission by the Perley Marina Realty Trust is five acres in size and is shown as Parcel-3 on a plan of land entitled "Plan of Land in Rowley, Massachusetts Prepared for Town of Rowley", in this act called "the plan", drawn by AA Associates, dated June 15, 1998 and to be recorded with the several deeds described in this act. This parcel shall be used for conservation purposes.

**SECTION 3.** The additional parcel to be conveyed to the town of Rowley is approximately 3,544 square feet in size, fronts on the Rowley river and is shown as Parcel-1 on the plan. This parcel shall be used only for purposes related to the maintenance and use of the town of Rowley's landing and launching ramp and facilities located next to the parcel on the Rowley river.

**SECTION 4.** The parcel to be conveyed by the town of Rowley to the Perley Marina Realty Trust contains approximately 16,204 square feet of land and is shown as Parcel-2 on the plan.

**SECTION 5.** The conveyance described in this act is authorized if the value of Parcel-2 is equal to or less than the combined values of Parcel-1 and Parcel-3 as shown by professional appraisals prepared for the town of Rowley. The inspector general shall review and comment on the appraisals and the appraisal and comment shall include an examination of the methodology utilized for the appraisals. The town of Rowley shall, 30 days prior to the execution of any deed conveying said Parcel-2, submit to the inspector general the deeds together with the proposed deeds to Parcel-1 and Parcel-3 to be exchanged for Parcel-2. The inspector general shall prepare a report of his review of the deeds and file the report with the house and senate committees on local affairs at least 15 days prior to the execution.

**SECTION 6.** The town of Rowley shall pay for the preparation of the deeds and appraisals necessary to effectuate the transaction authorized by this act.

**SECTION 7.** This act shall take effect upon its passage.

Approved May 5, 2000.

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**Chapter 84. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO GRANT CERTAIN LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of section 11 of chapter 138 of the General Laws, the licensing authority of the town of Stoneham is hereby authorized to grant to restaurants with seating capacities of 50 or more licenses for the sale of all alcoholic beverages to be drunk on the premises or licenses for the sale of wines and malt beverages to be drunk on the premises. Such licenses shall be subject to all the provisions of said chapter 138 except said section 11.

**SECTION 2.** Notwithstanding the provisions of section 11 of chapter 138 of the General Laws, this act shall be submitted to the voters of the town of Stoneham at an annual or special town election in the form of the following question which shall be placed on the official ballot used at said election "Shall an act passed by the general court in the year 2000 entitled, 'An Act authorizing the town of Stoneham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises' be accepted?". If a majority of the votes cast in answer to said question is in the affirmative, this act shall therefore take full effect, but not otherwise.

**SECTION 3.** This act shall take effect upon its passage.

Approved May 12, 2000.

**Chapter 85. AN ACT PROTECTING CHILDREN AND FAMILIES FROM HARMFUL PESTICIDES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** (a) The general court finds that:

(1) the people of the commonwealth have a fundamental right to know about the use of pesticides;

(2) pesticides contain toxic substances, many of which may have a detrimental effect on human health and the environment and, in particular, have developmental effects on children;

(3) citizens of the commonwealth are being denied their right to know and their ability to make informed decisions about the level of pesticide exposure to them and their children; and

(4) information compiled regarding pesticide use in the commonwealth is not maintained in a manner which is useful to the public, thereby making it difficult to assess and address the potential health and environmental impact of pesticide use in the commonwealth;

(b) The policy goals of this act are to:

(1) prevent unnecessary exposure of children to chemical pesticides;

(2) promote safer alternatives to pesticides;

(3) ensure that clear and accurate notification concerning the use of pesticides in schools, day care centers and school age child care programs be made available so that measures may be taken to prevent and address pest problems effectively without endangering children or adults;

(4) promote the use of integrated pest management techniques to reduce the need for reliance on chemical pesticides; and

(5) develop a comprehensive, reliable and cost-effective system for collecting and organizing information on all categories of pesticide use in the commonwealth for review by government agencies, researchers, policy makers and the public to ensure the public health and safety and to protect the environment of the commonwealth.

**SECTION 2.** Chapter 28A of the General Laws is hereby amended by inserting after section 10B the following section:-

Section 10C. Any person who operates a school age child care program or a day care center as defined in section 2 of chapter 132B, shall comply with the requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive, of said chapter 132B.

**SECTION 3.** Section 68 of chapter 71 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the sixth sentence the following sentence:- Each school shall comply with the requirements regarding pesticide applications as set forth in sections 6C to 6I, inclusive, of chapter 132B.

**SECTION 4.** Section 2 of chapter 132B of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Advisory council" the following definition:-

"Agency", any executive office, department, division, agency, board, branch, bureau or commission of the commonwealth.

**SECTION 5.** Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Animal" the following definition:-

"Anti-microbial pesticide", a pesticide that is used for the control of microbial pests, including, but not limited to, viruses, bacteria, algae and protozoa, and is intended to disinfect, sanitize, reduce or mitigate growth or development of microbiological organisms. Anti-microbial pesticide shall not include any fungicide or pesticide used on plants, turf or other vegetation or for ornamental uses.

**SECTION 6.** Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Commissioner" the following definition:-

"Day care center", any public or private facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center or preschool, or known under any other name, which receives children not of common parentage who are not more than six years of age, or who are not more than 21 years of age if such children have special needs, for nonresidential custody and



care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; periodic religious instruction classes conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

**SECTION 7.** Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Insect" the following definition:-

"Integrated pest management", a comprehensive strategy of pest control whose major objective is to achieve desired levels of pest control in an environmentally responsible manner by combining multiple pest control measures to reduce the need for reliance on chemical pesticides; more specifically, a combination of pest controls which addresses conditions that support pests and may include, but is not limited to, the use of monitoring techniques to determine immediate and ongoing need for pest control, increased sanitation, physical barrier methods, the use of natural pest enemies and a judicious use of lowest risk pesticides when necessary.

**SECTION 8.** Said section 2 of said chapter 132B, as so appearing, is hereby further amended by inserting after the definition of "Registrant" the following four definitions:-

"School", any public or private school for preschool, elementary, middle or high school students.

"School administration", a school committee, private school board of directors, or other body of school supervisory officers.

"School age child care program", any public or private program or facility operated on a regular basis which provides supervised group care for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than 14 years of age, or not more than 21 years of age if such child has special needs. Such a program may operate before and after school and may also operate during school vacation and holidays. A school age child care program shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to a school age day care program; periodic religious instruction classes conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.

"Standard written notification", includes the following information: the approximate dates on which the spraying, release, deposit or application of a pesticide shall commence and conclude; the specific location of the anticipated application; the product name and type

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of each pesticide to be used; a department-approved fact sheet and United States Environmental Protection Agency registration number for each pesticide; a description of the purpose of the pesticide application; and a department-approved statement describing ways to minimize exposure, and precautions to be taken, especially for sensitive individuals such as children, the elderly, pregnant women and those with health problems.

**SECTION 9.** Said chapter 132B is hereby further amended by inserting after section 5 the following section:-

Section 5A. The department shall promote the use of biologic controls, integrated pest management, sustainable agriculture and other alternate pest control methods through education, technical assistance and research in order to reduce or eliminate, whenever possible, human or environmental exposures to chemical pesticides. Said department shall submit an annual report to the clerks of the senate and the house of representatives and the joint committee on natural resources and agriculture describing the efforts taken and the progress made toward reducing pesticide use, furthering the use of integrated pest management and other alternate pest control methods in the commonwealth.

**SECTION 10.** Said chapter 132B is hereby further amended by striking out section 6B, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 6B. (a) No gas, electric, telephone or other utility company licensed to do business in the commonwealth, nor any agency of the commonwealth or any of its political subdivisions, nor any authority, as defined in section 39 of chapter 3, nor any private entity or their agent, shall spray, release, deposit or apply any pesticide to any land which it owns, or as to which it holds an easement or similar right and over which it maintains power, high tension or other lines, or to any roadway, railway, or other transportation layout, without first notifying the department and, by registered mail, the mayor, city manager or chair of the board of selectmen and the conservation commission in the city or town where such application is to occur 21 days before such spraying, release, deposit or application, and without first publishing conspicuous notice in at least one newspaper of general circulation in each city or town where such land lies at least 48 hours prior to such spraying, release, deposit or application. Such notice shall appear in the local section of the newspaper and measure at least four by five inches in size. The published notice shall include: the method and locations of pesticide spraying, release, deposit or application; the approximate dates on which spraying, release, deposit or application shall commence and conclude, but such spraying, release, deposit or application shall not commence more than ten days before nor conclude more than ten days after such approximate dates; a list of potential pesticides to be used; a description of the purpose of the spraying, release, deposit or application; and the name, title, business address and phone number of a designated contact person from whom any citizen may request further information.

(b) The notice to the city or town where the affected land lies shall contain the following information: the method and locations of pesticide spraying, release, deposit or application; the approximate dates on which such spraying, release, deposit or application

shall commence and conclude, but such spraying, release, deposit or application shall not commence more than ten days before nor conclude more than ten days after such approximate dates; the type of pesticide to be used and a copy of all information supplied by the manufacturers thereof relative to the pesticide; a department-approved fact sheet and United States Environmental Protection Agency registration number for each pesticide; the name, title, business address and phone number of the certified commercial applicator, certified private applicator or licensed applicator, or the contractor, employers or employees responsible for carrying out the pesticide spraying, release, deposit or application.

(c) Notwithstanding any other provision of law, all agencies of the commonwealth and all authorities, as defined in section 39 of chapter 3, shall develop policies to eliminate or, if necessary, reduce the use of pesticides for any vegetation management purpose along any roadway.

(d) Any employee of any state agency, or authority, as defined in section 39 of chapter 3, when spraying, releasing, depositing or applying pesticides, supervising the use of pesticides, or when present during the spraying, release, deposit or application of pesticides, shall be provided with personal protection equipment and clothing in conformance with all federal and state laws and regulations pertaining to pesticide applications. This shall include, but not necessarily be limited to, protections according to Material Safety Data Sheets (MSDS), the product label, and any other supportive technical data provided by the manufacturer.

**SECTION 11.** Said chapter 132B is hereby further amended by inserting after section 6B the following nine sections:-

Section 6C. (a) Pesticides shall not be sprayed, released, deposited or applied indoors while children are on the property of a school, day care center or school age child care program, except for those pesticides listed in section 6F.

(b) Pesticides shall not be sprayed, released, deposited or applied on the outdoor property of a school, day care center or school age child care program while children are located in, on, or adjacent to the area of the pesticide application.

(c) (1) Whenever pesticides are to be sprayed, released, deposited or applied outdoors at a school, day care center or school age child care program, the school administration, day care center operator or school age child care program operator shall ensure that employees, pupils or supervised children and their parents or guardians receive standard written notification, as defined in section 2, at least two working days before pesticides are sprayed, released, deposited or applied, provided that such spraying, release, deposit or application of pesticides shall not commence prior to the approximate dates set forth on the standard written notification, and shall not conclude more than 72 hours after such approximate dates.

(2) Such notification policy shall apply at all times except during periods when classes are not scheduled for at least five consecutive days after the spraying, release, deposit or application or when day care or school age child care facilities are not scheduled to be open for at least five consecutive days after the spraying, release, deposit or application.



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(3) Information to be included in the standard written notification shall be provided to the school administration, day care center operator, or school age child care program operator by the certified commercial applicator, certified private applicator, or licensed applicator, or the contractor, employers or employees responsible for carrying out the pesticide spraying, release, deposit or application. Larval mosquito control applications using pesticides classified as category four pesticides by the United States Environmental Protection Agency, as applied by mosquito control projects under chapter 252, are exempt from the notification requirements of this section. This section shall not apply to any use of an anti-microbial pesticide as defined in section 2.

Section 6D. Each school administration, day care center operator, or school age child care program operator shall ensure that standard written notification is posted in a common area of its facility at least two working days before the outdoor spraying, release, deposit or application of a pesticide and for at least 72 hours following the spraying, release, deposit or application. Treated areas will be posted with clear and conspicuous warning signs along the perimeter in accordance with regulations to be promulgated by the department governing indoor and outdoor spraying, release, deposit or application of pesticides at schools, day care centers and school age child care programs. Larval mosquito control applications using pesticides classified as category four pesticides by the United States Environmental Protection Agency, as applied by mosquito control projects under chapter 252, are exempt from the notification requirements of this section. This section shall not apply to any use of an anti-microbial pesticide as defined in section 2.

Section 6E. (a) On or before November 1, 2001, each school, day care center and school age child care program in the commonwealth shall adopt and implement, in accordance with any regulations promulgated by the department pursuant to this chapter, an integrated pest management plan. The plan shall cover both indoor and outdoor areas. The department shall produce a generic integrated pest management plan that may be adopted by any school, day care center or school age child care program. One copy of the plan adopted by the school, day care center or school age child care program shall be filed with the department, and at least one additional copy shall be kept on site and made available to the public upon request pursuant to section 10 of chapter 66. Every agency of the commonwealth shall develop and implement integrated pest management plans and procedures for all buildings and grounds owned or managed by the commonwealth.

(b) No person shall spray, release, deposit or apply or supervise the spraying, release, deposit or application of any pesticide in, on, or around structures or grounds of a school, day care center or school age child care program unless that person is a certified commercial applicator, certified private applicator, licensed applicator, or is under the supervision of a certified commercial applicator, certified private applicator or licensed applicator.

Section 6F. Beginning November 1, 2001, pesticide products eligible for use indoors on the facility grounds of any school, day care center or school age child care program shall be limited to the following:



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- (a) Anti-microbial pesticides;
- (b) Rodenticides placed in tamper resistant bait stations or placed in areas inaccessible to children and the general public;
- (c) Ready-to-use dust, powder or gel formulations of insecticide applied in areas inaccessible to children and the general public;
- (d) Insecticidal baits placed in tamper resistant bait stations or in areas inaccessible to children and the general public;
- (e) Termiticides used only in the presence of an active termite infestation and when non-chemical pesticide alternatives have been determined to be ineffective; and
- (f) Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40 CFR 152.25.

Section 6G. Beginning November 1, 2001, pesticide products eligible for use on the outdoor grounds of any school, day care center or school age child care program shall be limited to the following:

- (a) pesticides used in accordance with the facility's integrated pest management plan filed with the department and maintained on site;
- (b) pesticides other than those classified as known, likely or probable human carcinogens by the United States Environmental Protection Agency, or equivalently categorized by the department, except as provided for in section 6H;
- (c) pesticide products that do not contain inert ingredients categorized as "List 1: Inerts of Toxicological Concern" or any equivalent categorization by the United States Environmental Protection Agency; and
- (d) pesticides that are applied for reasons other than purely aesthetic purposes, except that any municipality, city or town may allow the use of pesticide products for purely aesthetic purposes on the outdoor grounds of any school, day care center or school age child care program.

Section 6H. (a) If a school official or an operator of a day care center or school age child care program determines that a human health emergency warrants the use of a pesticide not otherwise allowed under this chapter, or warrants its use sooner than two days after providing the required standard written notification, such official or operator may apply for a single-use waiver from the appropriate municipal board of health or agent or director of public health or the department.

- (b) The department or appropriate municipal board of health or agent or director of public health shall determine if such a waiver is warranted based on the following criteria:
  - (1) whether the pest situation poses an immediate threat to human health; and
  - (2) whether no viable alternatives to the use of chemical pesticides exist.

As a condition of approval, the appropriate municipal board of health or agent or director of public health or the department shall require a commitment from the school official or operator of a day care center or school age child care program that the underlying causes of the pest outbreak will be identified and addressed in order to prevent future outbreaks.

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(c) In such an emergency situation, the school official or operator of a day care center or school age child care program shall ensure that conspicuous warning signs are posted near the site of the spraying, release, deposit or application prior to, and for at least 72 hours after the spraying, release, deposit or application. Treated areas will be posted with clear and conspicuous warning signs along the perimeter in accordance with regulations to be promulgated by the department governing indoor and outdoor spraying, release, deposit or application of pesticides at schools, day care centers and school age child care programs. In such an emergency situation, the school official or operator of a day care center or school age child care program shall also ensure that standard written notification is provided to employees, pupils or supervised children and their parents or guardians immediately prior to or, if necessary, immediately following the emergency spraying, release, deposit or application. A record of the emergency event, including the identification of the cause and the actions taken to address it, shall be maintained as a part of the records required under section 6I.

Section 6I. A written or electronic record of any and all chemical pesticide spraying, release, deposit or application made at a school, day care center or school age child care program in the commonwealth shall be maintained on site for a period of not less than five years, and shall be made available to the public upon request pursuant to section 10 of chapter 66.

Section 6J. Notwithstanding any other provisions of this chapter, sections 6C to 6I, inclusive, shall not apply to the spraying, release, deposit or application of any pesticide made as a part of a supervised training program at any of the state-aided and approved vocational-technical or agricultural schools in the commonwealth.

Section 6K. The department shall conduct a review of anti-microbial pesticides, as defined in section 2, to determine whether and to what extent they should be subject to the provisions of this chapter.

**SECTION 12.** Said chapter 132B is hereby further amended by inserting after section 7 the following section:-

Section 7A. (a) Subject to appropriation, the department shall establish and implement a pesticide use reporting system for use by government agencies, researchers, policy makers and the public to ensure the public health and safety and to protect the environment of the commonwealth. In establishing and implementing the system, said department shall design, develop and implement the system in order to collect, evaluate, summarize, retain and report information on the use of pesticides in each major category of use in the commonwealth, including agriculture, forestry, industrial, commercial and homeowner uses. Said department shall, at least one time each year, collect the best data practicable from each major category of pesticide use in a manner that will allow such data to be used for public health purposes, including, but not limited to, epidemiological studies, and for environmental protection purposes. Such data shall be collected in a manner which minimizes reporting costs. Said department shall begin operation of the required statewide data reporting program on or before January 31, 2002.

(b) The secretary of environmental affairs shall appoint a pesticide stakeholder work group to advise the department in developing the pesticide use reporting system required by this section. Said secretary shall appoint the following members of the work group: one pesticide applicator, one pesticide dealer, one public health expert or researcher familiar with pesticides and their impact on public health, one representative from the department of public health, one representative from the department of environmental protection, one representative from the department's pesticide board established by section 3, and one representative from each of the following organizations: one environmental organization, one labor organization, one public health organization, one public water supplier and one agricultural organization. In carrying out its responsibilities under this section, the department shall consult with the work group appointed under this section and convene meetings of the work group as necessary. All meetings of the work group shall be open to the public and shall include an opportunity to receive recommendations and comments from members of the public. The work group shall make specific recommendations on stable and sufficient funding mechanisms to support the pesticide reporting program.

(c) Said department shall conduct an analytical review of any issues that must be resolved in order to establish a valid, cost-effective pesticide use reporting system in the commonwealth. The review shall be conducted in consultation with the work group appointed under this section, and its conclusions shall be published not later than January 31, 2001. As part of the analytical review required by this section, the department shall consider whether and to what extent use of anti-microbial pesticides, as defined in section 2, shall be part of the pesticide use reporting system. In implementing the pesticide use reporting system, the department shall, beginning January 31, 2003, and annually thereafter, make available data on pesticide use in the commonwealth.

(d) Said department shall develop protocols for the exchange of information with the department of public health or other state agencies for the purpose of conducting research related to the public health and the environment. Said department shall also establish policy and adopt rules relating to the public release of pesticide use information. The policy and rules may not reveal the identity of the owner or lessee of a specific property or the address of the property itself where a pesticide has been applied, and shall maintain the confidentiality of that information. Nothing in the policy or rules adopted by said department shall limit access to data for the following purposes: (1) information obtained as part of any investigation under any other provision of law; (2) the release of information obtained exclusively under this chapter to any other local, state or federal agency, if the local, state or federal agency has agreed to maintain the confidentiality of any information that is required to be treated as confidential under this subsection, unless the public interest by clear and convincing evidence requires disclosure in the particular instance; and (3) the release of information obtained exclusively under this chapter to a health or environmental researcher acting in an official capacity from an accredited university or accepted research institute who agrees to maintain the confidentiality of any information that is required to be treated as confidential under this section.

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(e) Nothing in this section shall be construed to create a new private right of action against any pesticide user or retail pesticide dealer.

**SECTION 13.** The eighth paragraph of section 10 of said chapter 132B, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- Each examination shall include an evaluation of the applicant's competence with respect to the use of integrated pest management.

**SECTION 14.** Section 14 of said chapter 132B, as so appearing, is hereby amended by striking out, in line 9, the words "six A or six B" and inserting in place thereof the following:- 6A to 6I, inclusive, or section 7A.

**SECTION 15.** Said chapter 132B is hereby further amended by inserting after section 14 the following section:-

Section 14A. (a) The department may adopt and promulgate such regulations as may be necessary for the enforcement of sections 6C to 6I, inclusive, and the licensing requirements of section 10. Said department may assess a civil administrative penalty of up to \$1,000 against any person or school administration who violates the requirements of sections 6C to 6I, inclusive, or any regulation promulgated under such sections.

(b) Said department may assess a civil administrative penalty of up to \$1,000 against any person who violates the licensing requirement of section 10.

(c) Prior to assessment of the penalty, said department shall provide written notice and an opportunity to correct the violation within 90 days of the issuance of the notice of violation. This penalty shall be assessed in addition to any other civil penalty otherwise provided for by law. Notice of assessment of a penalty pursuant to this section shall be made by service in hand, or by certified mail, return receipt requested, and shall state the amount of the administrative penalty, the date the penalty shall be due, a statement of the violator's right to an adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the actions the person may take in order to avoid the assessment of the penalty or to avoid waiving the right to a hearing relative to the penalty, and the manner of acceptable payment if an election to waive a hearing is made.

A person shall be deemed to have waived all right to an adjudicatory hearing unless, within 21 days of the date of the department's notice, the person files a written notice, by hand or by certified mail, return receipt requested, requesting such adjudicatory hearing. In the event that such request is not received in accordance with this section, the proposed administrative penalty shall become final and payment shall be due in accordance with the notice.

**SECTION 16.** Said chapter 132B is hereby further amended by adding the following section:-

Section 16. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Children and Families Protection Fund. There shall be credited to the fund any penalties collected for violations of sections 6C to 6I, inclusive, and any income derived from the investment of amounts credited to the fund. Amounts credited



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to the fund shall be used, subject to appropriation, for the implementation and enforcement of said sections 6C to 6I.

**SECTION 17.** This act shall take effect on November 1, 2000.

Approved May 12, 2000.

## **Chapter 86. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN MEMBERS OF THE LEGISLATIVE COMMITTEE ON EDUCATION, ARTS AND HUMANITIES.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide a compensation schedule for certain members of the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 3 of chapter 192 of the acts of 1994, as amended by section 262 of chapter 194 of the acts of 1998, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The assistant floor leaders of each of the major political parties in the senate, the assistant floor leader of each of the major political parties in the house of representatives, the second assistant floor leaders of each of the major political parties in the senate and house of representatives, the third assistant floor leader of the minority party in the senate and house of representatives, the chairmen of each of the four divisions of the house of representatives, the chairman of the house committee on rules, the chairman of the house committee on long-term debt and capital expenditures, the vice chairman of the house committee on ways and means, the vice chairman of the senate committee on ways and means, the ranking minority members of the house and senate committees on ways and means, the senate chairman and the house chairman of the committee on post audit and oversight, the senate chairman and the house chairman of the committee on taxation, the senate chairman and the house chairman of the committee on science and technology and the senate chairman and the house chairman of the committee on education, arts and humanities shall each receive for each regular session \$15,000 additional compensation.

**SECTION 2.** Said section 3 of said chapter 192, as amended by said section 262 of said chapter 194, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- Other chairmen of committees of the house of representatives and the senate established by the joint rules or the house or senate rules, the house vice chairman of the committee on post audit and oversight, the assistant vice chairman of the senate committee on ways and means, the assistant vice chairman of the house committee on ways and means, the house vice chairman of the committee on taxation,

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the vice chairman and the ranking minority member of the house committee on rules, the vice chairman and the ranking minority member of the house committee on long-term debt and capital expenditures, the house vice chairman, the senate vice chairman, the house ranking minority member and the senate ranking minority member of the committee on education, arts and humanities shall each receive for each regular session \$7,500 additional compensation; provided, however, that no chairman who serves as chairman of more than one such committee shall receive more than the compensation established for a chairman of one of any such committees.

**SECTION 3.** Section 1 shall take effect as of January 12, 2000. Section 2 shall take effect on January 3, 2001.

Approved May 17, 2000.

**Chapter 87. AN ACT PROVIDING ADDITIONAL FUNDING FOR THE CENTRAL ARTERY/TED WILLIAMS TUNNEL PROJECT AND THE STATEWIDE ROAD AND BRIDGE PROGRAM.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith additional funding for the Central Artery/Ted Williams Tunnel Project and the statewide road and bridge program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide additional funding for unforeseen costs associated with the Central Artery/Ted Williams Tunnel Project and to supplement funding available for the statewide road and bridge program, the sums set forth in sections 2, 2A and 2B are hereby appropriated subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

**SECTION 2.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6005-2002 For the estimated amount of additional costs associated with completion of the Central Artery/Ted Williams Tunnel Project as identified in the official statement issued in connection with the general obligation bond issue of the commonwealth dated February 1, 2000; provided, that the funds authorized herein may also be used to maintain an adequate statewide road and bridge program pursuant to section 12 ..... \$1,350,000,000

**SECTION 2A.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6033-9936 For federal aid projects and for nonparticipating portions of such projects; provided, that notwithstanding the provisions of any general or special law to the contrary, neither the department of highways nor the Central Artery/Ted Williams Tunnel Project shall enter into any obligations for projects which are eligible to receive federal funds pursuant to the authority granted under this act unless state matching funds exist which have been specifically authorized and are sufficient to fund the corresponding state portion of the federal commitment to fund such obligation; provided further, that said department or Central Artery/Ted Williams Tunnel Project shall only enter into obligations for such projects pursuant to the authority granted in this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for such use by the general court for the class and category of project for which such obligation applies; provided further, that sums provided herein may be expended for the costs of such projects including, but not limited to, the costs of engineering and other services essential to such projects, rendered by the department and Central Artery/Ted Williams Tunnel Project employees or by consultants; and provided further, that amounts expended for department and Central Artery/Ted Williams Tunnel Project employees may include salary and salary-related expenses of such employees to the extent they work on or in support of such projects ..... \$295,000,000

**SECTION 2B.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Department of Highways.*

6033-9937 For the design of, construction of, repair of or improvement to nonfederally-aided roadway projects and for the nonparticipating portion of federally-aided projects; provided, that the costs of the Central Artery/Ted Williams Tunnel Project personnel directly and exclusively involved in the construction, planning, engineering and design of the projects may be charged to this item; provided further, that

the costs shall not be classified as administrative costs; and provided further, that an amount not to exceed 2 per cent of the amount authorized herein may be expended for the administrative costs directly attributable to the projects funded herein ..... \$105,400,000

**SECTION 3.** To meet a portion of the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$1,350,000,000, to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Central Artery/Ted Williams Tunnel Infrastructure Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2031. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund and, in accordance with the limitations herein, to the extent secured by special receipts credited to the Infrastructure Fund within the Highway Fund, from said Infrastructure Fund established in section 2 O of said chapter 29 of the General Laws. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section may, upon the request of the governor, be issued as either general or special obligations of the commonwealth, as so determined jointly by the state treasurer and the governor; provided, that any bonds issued as special obligations of the commonwealth may also be payable from, with the consent of the governor and treasurer, special receipts credited to the Infrastructure Fund within the Highway Fund, as provided in said section 2 O of said chapter 29; provided, that in deciding whether to request the issuance of particular bonds as special obligations, the governor and the state treasurer shall take into account: (i) generally prevailing market conditions; (ii) the impact of each approach on the overall capital financing plans of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O of said chapter 29. Proceeds from the bonds authorized pursuant to this section shall be deposited in the Central Artery and Statewide Road and Bridge Infrastructure Fund and shall be made available for expenditure for the purposes of item 6005-2002 of section 2.

Bonds of the commonwealth may be issued under authority of this section in such manner and on such terms and conditions as the state treasurer, with the concurrence of the governor, may determine in accordance with the provisions of this section and, to the extent not inconsistent with the provisions hereof, provisions of the General Laws for the issuance



of bonds of the commonwealth. Bonds may be secured by a trust agreement or other security agreement entered into by the state treasurer, with the concurrence of the governor, on behalf of the commonwealth, which trust agreement or other security agreement may pledge or assign all or any part of the amounts credited to the Highway Fund pursuant to this section, and, as provided above, any special receipts credited to the Infrastructure Fund, as provided in said section 2 O of said chapter 29, to the extent so determined by the governor and treasurer, and rights to receive the same, whether existing or coming into existence and whether held or thereafter acquired, and the proceeds thereof. The state treasurer is also authorized, with the concurrence of the governor, to enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. A pledge in any such trust or other security agreement or credit enhancement agreement shall be valid and binding from the time such pledge shall be made without any physical delivery or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the trust or other security agreement or credit enhancement agreement in the records of the state treasurer, and no filing shall be required under chapter 106 of the General Laws. Any such trust agreement, security agreement or credit enhancement agreement may establish provisions defining defaults and establishing remedies and other matters relating to the rights and security of the holders of the bonds or other secured parties as determined by the state treasurer, including provisions relating to the establishment of reserves, the issuance of additional or refunding bonds, whether or not secured on a parity basis, the application of the special receipts and other moneys and funds pledged pursuant to such agreement, in this act referred to as pledged funds, and other matters deemed necessary or desirable by the state treasurer for the security of such bonds, and may also regulate the custody, investment and application of moneys.

In order to increase the marketability of any bonds issued by the commonwealth under authority of this section, and in consideration of the acceptance of payments for any such bonds, the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds that until all such bonds, including all bonds issued to refund such bonds, and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the meaning of any trust or other security agreement or credit enhancement agreement securing the same, (i) from the Highway Fund; and (ii) in any fiscal year of the commonwealth, unless and until an appropriation has been made which is sufficient to pay the principal, including sinking fund payments, of and interest on all such bonds and to provide for or maintain any reserves, additional security, insurance or other form of credit enhancement required or provided for in any trust or other security agreement or credit enhancement agreement securing any such bonds or notes, no pledged funds shall be applied to any other use. In addition, if any special receipts credited to the Infrastructure Fund within the Highway Fund, as provided in said section 2 O of said chapter 29, are pledged to secure any such bonds, the covenants of the commonwealth set forth in said section 2 O with respect

to bonds issued pursuant to said section 2 O shall apply fully to any such bonds issued pursuant to this section.

Any bonds issued under authority of this section, and any notes of the commonwealth issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth.

**SECTION 4.** To meet a portion of the expenditures necessary in carrying out the provisions of section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$64,900,000 to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2025. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section may, with the consent of the governor, be issued as special obligation bonds pursuant to section 2 O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the treasurer shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2025. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2 O. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2 O.

**SECTION 5.** To meet a portion of the expenditures necessary in carrying out the provisions of section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$105,400,000, to be in addition to those bonds previously authorized and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but, all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section may, with the consent of the governor, be issued as special obligation bonds pursuant to section 2 O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the treasurer shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O. All special obligation bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution but all such bonds shall be payable not later than June 30, 2025. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2 O. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2 O.

**SECTION 6.** The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by this act and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution but the final maturities of such notes, whether original or renewal, shall not be later than June 30, 2006. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section may be either general or special obligations of the commonwealth, as so determined by the state treasurer,



after consultation with the commissioner of administration.

**SECTION 7.** Chapter 10 of the General Laws is hereby amended by adding the following section:-

Section 63. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Central Artery and Statewide Road and Bridge Infrastructure Fund for the purposes of meeting the estimated additional costs associated with the Central Artery/Ted Williams Tunnel Project and for costs of the statewide road and bridge program.

The amounts expended from said fund for the statewide road and bridge program shall not be subject to further appropriation and shall be expended exclusively on actual construction costs of said program in the amount of not less than \$100,000,000 annually in fiscal years 2001 to 2005, inclusive; provided, that said amounts shall not be expended for any costs attributable to municipal reimbursements owed under the chapter 90 program, so-called, the public works and economic development programs, the costs of administrative, maintenance, engineering and environmental operations of the department of highways and the costs associated with right-of-way acquisition, design, utility and force account work.

Revenues credited to the fund shall include any appropriations to the fund, amounts transferred to the fund from other instrumentalities of the commonwealth, transfers to said fund from other funds of the commonwealth, any interest earned on balances contained therein and all other revenues specifically dedicated to the fund. The fund shall be held in trust by the state treasurer exclusively for the purposes established herein. The state treasurer shall be the treasurer and custodian of the fund and shall have the custody of its monies and securities.

The comptroller shall make payments from the fund established by this section, without further appropriation, for the purposes specified in this section.

Said fund shall expire on June 30, 2009 and any remaining fund balance shall be transferred to the Highway Capital Projects Fund and shall be used exclusively to supplement the statewide road and bridge program.

**SECTION 8.** Chapter 90 of the General Laws is hereby amended by striking out section 33, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 33. The registrar or his authorized agents shall collect the fees established herein or if not so established herein, promulgated annually by the commissioner of administration under the provision of section 3B of chapter 7, for the following:-

(1) For every examination for a learner's permit.

(2) For the registration of every motor vehicle, the fee for which is not otherwise provided for in any general or special law, the fee shall be \$30; provided that said fee shall be collected every two years. The registrar shall collect such similar fee, in addition to incurred administrative costs for the issuance in connection therewith, at the request of the applicant, of a distinctive initial plate, or of a particular number plate other than a distinctive initial plate; provided, however, that the registrar shall collect a similar fee for the issuance



of a number plate bearing the station call letters of an amateur radio operator. Said registrar shall make available to registered owners of motor vehicles any unissued or returned distinctive initialed or numbered registration plates.

(3) For the registration of every ambulance owned and operated by any hospital or other institution or association supported wholly or in part by public or private donations for charitable purposes, and every motor vehicle or trailer used by the fire or police department of any city or town or park board solely for the official business of such department or board, and every motor vehicle or trailer used by a volunteer fire company, as authorized under chapter 48, in any town solely for fire fighting purposes, no fee shall be collected hereunder.

(4) For the registration of every motor vehicle and trailer owned by any political subdivision of the commonwealth, and used solely for official business, no fee shall be collected hereunder.

(5) For the registration of every motor bus not owned as provided in paragraph (4) which is used exclusively under contract with a political subdivision or school district of the commonwealth for the transportation of school children; provided, however, that any such motor bus may also be used for the transportation of persons to and from church and Sunday school services, and for the transportation of children to and from educational and recreational projects sponsored by a city or town or by any association or organization supported wholly or in part by public or private donations for charitable purposes without the payment of an additional registration fee. For the registration of every motor bus used for carrying passengers for hire pursuant to a certificate, license or permit issued by the department of telecommunications and energy in accordance with the provisions of chapter 159A, a fee for each seat. This paragraph and paragraphs (3) and (4) shall apply to the registration of motor vehicles described therein regardless of whether they are designed to be propelled otherwise than by fuel as defined in section 1 of chapter 64A, in this section referred to as "non-gasoline driven", or designed to be propelled by fuel as so defined, in this section referred to as "gasoline driven". The term "gasoline driven" as used in this section shall include vehicles propelled by diesel fuel.

(6) For the registration of every non-gasoline driven automobile used for the transportation of goods, wares or merchandise except an electric motor truck or an electric commercial automobile, or in the case of an electric motor truck or an electric commercial automobile so used, and of every gasoline driven automobile so used, for every 1,000 pounds or fraction thereof of the gross weight of such vehicle plus the maximum load to be carried thereon, but in no event less than a specified amount in the case of a non-gasoline driven automobile so used, or a specified amount in the case of a gasoline driven automobile so used.

(7) For the registration of every non-gasoline driven tractor which is part of a semi-trailer unit used for the transportation of property, a fee for every 1,000 pounds or fraction thereof of the weight of the tractor and of the weight of the heaviest semi-trailer with which such tractor is combined and operated, plus the maximum load to be carried by such semi-trailer unit so used, a fee for every 1,000 pounds or fraction thereof of the weight of

such tractor and of the weight of the heaviest semi-trailer with which such tractor is combined and operated, plus the maximum load to be carried by such semi-trailer and tractor, a fee for every 1,000 pounds or fraction thereof of the weight of such tractor and of the weight of the heaviest semi-trailer with which such tractor is combined and operated, plus the maximum load to be carried by such semi-trailer and tractor, but in no event less than a specified amount in the case of a non-gasoline driven tractor which is a part of a semi-trailer unit, or less than a specified amount if gasoline driven.

(8) For the registration of every semi-trailer.

(9) For the registration of every heavy-duty platform trailer, a fee for every 1,000 pounds or fraction thereof of the weight of such vehicle plus the maximum load to be carried, but in no event less than a specified amount.

(10) For the registration of every trailer for which a fee is not otherwise provided in this section, a fee for every 1,000 pounds or fraction thereof of the weight of such trailer and the maximum load to be carried thereon.

(11) For the registration of every non-gasoline driven tractor not a part of a semi-trailer, a fee for every 1,000 pounds or fraction thereof of the weight of the tractor and its equipment, but in no event less than a specified amount; and for the registration of every gasoline driven tractor not a part of a semi-trailer unit, a fee for every 1,000 pounds or fraction thereof of the weight of the tractor and its equipment, but in no event less than a specified amount; except that the fee to be collected for the registration of a farm tractor not a part of a semi-trailer unit shall be a specified amount if the tractor is used exclusively for agricultural purposes. The provisions of paragraphs (1) to (6), inclusive, shall not apply to any vehicle the fee for the registration of which is hereinbefore provided for in this section. The aforesaid weight shall mean the weight of such vehicle when fully equipped for the road. The registrar of motor vehicles may establish rules for determining the gross weight, including load, for which any vehicle shall be registered under said paragraphs (1) to (6), inclusive.

(12) For the registration of every motor truck carrying a permanently mounted water well drilling machine.

(13) For the registration of every antique motor car.

(14) For the registration of every auto home.

(15) For the registration of every automobile known as a taxicab, a specified amount when non-gasoline driven and a specified amount when gasoline driven.

(16) For the registration of every motor bus or other motor vehicle, the fee for the registration of which is not hereinbefore provided for, used for carrying passengers for hire and having a seating capacity of seven persons or less, a specified amount for each seat when non-gasoline driven and a specified amount for each seat when gasoline driven, and for the registration of every such motor bus or other vehicle having a seating capacity in excess of seven persons, a specified amount for each seat when non-gasoline driven and a specified amount for each seat when gasoline driven, but in no event less than a specified amount when non-gasoline driven or a specified amount when gasoline driven. In determining

seating capacity aforesaid the driver's seat shall not be included, but the largest number of passengers to be carried in seats shall be included.

(17) For the registration of motor vehicles or trailers owned by or under the control of a manufacturer, dealer, repairman, owner-contractor, reposessor, or farmer, including one or more number plates as allocated by the registrar pursuant to section 5, a fee for the registration and a fee for each number plate furnished by the registrar. For the registration of motor vehicles under the control of a transporter, including one or more number plates and registration certificates as requested in writing by the applicant for registration, a fee for the registration and a fee for each number plate and corresponding certificate of registration furnished by the registrar.

(18) For the registration of every motor vehicle used exclusively for the transportation of goods, wares or merchandise and for every tractor, trailer, semi-trailer, heavy duty platform trailer, or motor truck carrying a permanently mounted water well drilling machine by an owner who applies therefor under section 2 during the period beginning September 1 and ending December 31, in any year, a specified amount of a full year's registration of said vehicle.

(19) For the registration of every motor vehicle or trailer not specified in the preceding paragraph which the registrar has determined shall be issued on a calendar basis, by an owner who applies therefor under section 2 or section 5 during the period beginning October 1 and ending December 31 in any year, a specified amount of a full year's registration of said vehicle.

(20) For the substitution of a registration of a motor vehicle or trailer for that of a vehicle previously registered, in accordance with section 2.

(21) For every license to operate motor vehicles or for the renewal thereof, the fee shall be \$33.75; provided, that said fee shall be collected upon issuing an initial license, and shall be collected at least once every five years upon the renewal date of said license from every licensee. No fee shall be collected for a license or renewal thereof restricted to the operation of motor propelled fire apparatus only.

(22) No fee shall be exacted for the registration of one pleasure passenger vehicle owned and principally used by a former prisoner of war who is entitled to display thereon the distinctive number plates authorized by section 2.

(23) For each application for an appointment for an examination for a license to operate motor vehicles. The registrar, for reasons he deems sufficient, may authorize an applicant to be examined without payment of an additional fee when the applicant has been unable to take the examination at the time originally scheduled.

(24) For every additional copy of a certificate of registration or license.

(25) For every certified copy of any application or notice filed with the registrar and for every certified copy of a certificate of registration or license.

(26) For every additional number plate furnished to replace such plates as have been lost or mutilated or are illegible.



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(27) For every copy of any record, or any certificate, the fee for which is not otherwise provided herein, except that when an owner has registered a vehicle for the ensuing registration year and thereafter transfers ownership of said vehicle to another before the beginning of said year, or when such owner changes his address before the beginning of said year, the registrar may issue to him a new registration certificate for another vehicle for the ensuing year, or a new registration certificate bearing the new address, without charge other than the additional difference, if any, between the fees for registration of the vehicle transferred and the vehicle sought to be registered for the ensuing year.

(28) The registrar or his authorized agent may, however, furnish without charge copies of certificates of registration and licenses to operate, and copies of other documents relating thereto, to officers of the commonwealth or of any court thereof or of a city or town therein; and the registrar may issue certificates of registration for motor vehicles and licenses to operate the same to any member of the foreign diplomatic corps or to any foreign consular officer who is not a citizen of the United States without the payment of the fees therefor.

(29) No fee shall be exacted for the registration of any vehicle owned by a disabled veteran who is entitled to display thereon the distinctive number plates authorized by section 2, and no fee shall be exacted for the issuance to such disabled veteran of a license to operate such vehicle.

(30) No fee shall be exacted for the registration of a bloodmobile unit or a canteen motor truck owned and used by a charitable corporation.

(31) For a driving instructor's certificate which shall be valid for a period of one year from the date of issuance.

(32) In the event that any fee computed under any provision of this chapter for the registration of any motor vehicle or trailer includes in its total an odd or even number of cents, such fee shall be adjusted to the nearest half dollar, except for the fees enumerated in paragraph (21). If payment of any fee required under this chapter or chapter 90D is made by check, credit card, debit card or any other payment method and the amount is not duly paid, the registrar of motor vehicles shall withhold issuance of the certificate of title for the motor vehicle, shall prohibit the transfer or swap of the registration, and shall suspend or revoke any learner's permit, license to operate motor vehicles, certificate of registration or title, number plate, sticker, decal or other item for which such check, credit card, debit card, or other payment method was tendered and order the return of same forthwith. The holder of said item for which said check, credit card, debit card or other payment method used may not apply for, receive or renew any other learner's permit, license to operate motor vehicles, certificate of registration or title, number plates, stickers, decals, or any other items issued under the provisions of this chapter or said chapter 90D until said amount has been duly paid.

(33) No fee shall be exacted for the registration of a pleasure passenger vehicle owned and principally used by a member of the Legion of Valor of America, Inc. who is entitled to display thereon the distinctive number plates authorized by section 2.

(34) For the issuance of a special parking identification plate.



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(35) For the issuance of each permit sticker as provided in section 19D, a specified amount for every 1,000 pounds or fraction thereof of the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit, including the maximum load to be carried thereon, in excess of the maximum weight for such motor vehicle, trailer, semi-trailer or semi-trailer unit may otherwise be operated under the provisions of section 19A.

(36) For the reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under the provisions of subsections (a), (e) and (f) of section 22, sections 22F, 23, 24, except as otherwise provided below, section 24B, 24D, 24G, 24L or section 34J, and section 28 of chapter 266, the fee shall be \$300. The fee for reinstatement following a revocation pursuant to subparagraph (2) of paragraph (c) of subdivision (1) of said section 24 shall be \$500 and the fee for such reinstatement following a revocation pursuant to subparagraphs (3) and (3½) of said paragraph (c) of said subdivision (1) of said section 24 shall be \$1,000. The fee for reinstatement of any license or right to operate a motor vehicle which has been suspended or revoked under any other general or special law of the commonwealth shall be \$50; provided, however, the fee for the reinstatement for suspensions and revocations pursuant to subsection (c) of section 22 shall be commensurate with the fee established for the corresponding Massachusetts offense resulting in suspension or revocation pursuant to the General Laws.

**SECTION 9.** The Massachusetts Turnpike Authority, in conjunction with the executive office of transportation and construction and the secretary of administration and finance, shall file a spending plan with the chairs of the joint committee on transportation and the house and senate committees on ways and means, 45 days before making any expenditures from the amounts available in the Central Artery and Statewide Road and Bridge Infrastructure Fund which shall include, but not be limited to, amounts to be spent on scheduled maintenance costs, changes on awarded and unawarded contracts, personnel costs, design costs, project management consultant services and a timeline reflecting the schedule of expenditures.

The Massachusetts Turnpike Authority shall submit quarterly reports to the chairs of said committees and the clerks of the senate and house of representatives on the status of the Central Artery/Ted Williams Tunnel Project that shall include, but not be limited to, the total project requirements, the to-go cash requirement, so-called, amounts and reasons for construction change orders, definitive and speculative information on cost exposures and reductions and detailed information on project management expenses. The first of the quarterly reports shall be submitted not later than August 1, 2000 for the quarter ending June 30, 2000.

The Massachusetts Turnpike Authority shall submit monthly the Project Management Monthly report, so-called, to the chairs of the joint committee on transportation and the chairs of the house and senate committees on ways and means on the status of the Central Artery/Ted Williams Tunnel Project.

**SECTION 10.** Notwithstanding any general or special law to the contrary, the commonwealth, the department of highways, or the Massachusetts Turnpike Authority,

whichever entity owns the property referenced herein on the effective date of the transfer authorized herein and hereafter known as the transferor for purposes of this section, shall transfer to the Massachusetts Port Authority, not later than June 30, 2001, that portion of the Ted Williams tunnel, as defined in chapter 81A of the General Laws, constituting the exit ramp that exclusively serves Logan International Airport and provides access to said airport from the eastbound lanes of the Ted Williams tunnel, hereinafter called the Logan ramp, in addition to those portions of the Ted Williams tunnel which are to be transferred to said Massachusetts Port Authority pursuant to the provisions of chapter 3 of the acts of 1997 and the roadway transfer agreement dated March 23, 1999. Said transferor and said Massachusetts Port Authority may sell and purchase, respectively, the Logan ramp. The purchase price of the Logan ramp shall be \$65,000,000, the sum commensurate with the value of the Logan ramp. The purchase by said Massachusetts Port Authority of the Logan ramp may be made pursuant to such other terms and conditions as may be acceptable to said transferor and said Massachusetts Port Authority, but such terms shall be consistent with and permitted by the terms of said Massachusetts Port Authority's enabling act, any trust agreement to which said Massachusetts Port Authority is a party as of the effective date of this act and all applicable provisions of federal aviation law.

**SECTION 11.** Notwithstanding any general or special law to the contrary, the Massachusetts Turnpike Authority shall transfer \$200,000,000 not later than September 1, 2000 to the Central Artery and Statewide Road and Bridge Infrastructure Fund. The Massachusetts Port Authority shall transfer to said fund the sum of \$65,000,000 owed as consideration for the conveyance pursuant to the provisions of section 10 not later than December 31, 2000, unless such a transfer is expressly prohibited by federal law or regulation, as certified by the secretary for administration and finance and the state attorney general, in which case said transfer shall occur not later than June 30, 2001. The comptroller shall ensure that expenditures from the sums so transferred to said fund shall be limited to expenditures of the project and shall be recorded on the Massachusetts management and accounting reporting system.

**SECTION 12.** The department of highways shall develop and implement a comprehensive plan to ensure the statewide road and bridge program drawn from the State Transportation Improvement Program is adequately funded at a minimum amount of \$400,000,000 in each fiscal year, for the years 2001 to 2005, during the peak construction and cash flow period of the Central Artery/Ted Williams Tunnel Project. Of said amount, \$100,000,000 shall be made available annually in fiscal years 2001 to 2005, inclusive, from the amount set aside for said purpose in the Central Artery Statewide Road and Bridge Infrastructure Fund established in section 63 of chapter 10 of the General Laws. The comprehensive plan shall seek to ensure that a construction advertising program of equal value in each such fiscal year is administered to ensure a continuing commitment to the transportation infrastructure needs of the commonwealth. The amount of the Statewide Road and Bridge Program shall include projects funded from federal and state funds but shall not

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include any costs attributable to municipal reimbursements owed under the chapter 90 program, so-called, the public works and economic development programs, and the costs of administrative, engineering, design, or maintenance operations of said department. Said department shall provide on-line information to all parties on the status of projects in the Statewide Road and Bridge Program and, with the regional planning agencies, provide a quarterly report to the general court, commencing on January 1 of each year, which shall include a list of all projects advertised, the construction and funding status of each such project, the level of construction spending related to advertised projects, cash spending year-to-date and such other information as may be necessary to meet the purposes of this section.

**SECTION 13.** Notwithstanding section 5C of chapter 29 of the General Laws or any other general or special law to the contrary, for the fiscal year ending June 30, 2000, the comptroller shall dispose of the consolidated net surplus in the operating funds as follows: (a) an amount equal to 0.5 per cent of the total revenue from taxes in said fiscal year shall be available to be used as revenue for the fiscal year ending June 30, 2001; (b) the state comptroller is authorized to transfer \$250,000,000 from the general fund to the Debt Defeasance Trust Fund on June 30, 2000; (c) any remaining amount, not to exceed an additional \$250,000,000, shall be transferred to the Debt Defeasance Trust Fund established by section 6 of chapter 55 of the acts of 1999 to be used, without further appropriation, in the manner and for the purposes specified in section 14. Any remaining amount of surplus in excess of said \$250,000,000 shall be disposed of in accordance with clauses (b) and (c) of section 5C of said chapter 29.

**SECTION 14.** Notwithstanding any general or special law to the contrary, the state treasurer shall expend on or before December 31, 2000 from the Debt Defeasance Trust Fund an amount, as nearly as practicable, equal to, but not in excess of, the amounts transferred to said fund pursuant to sections 13 and 17, for the purpose of purchasing securities to be held for the credit of a sinking fund to be established in accordance with section 49 of chapter 29 of the General Laws. The moneys in such sinking fund shall be applied to pay, at maturity or upon redemption, bonds of the commonwealth to be identified by the state treasurer at the time the sinking fund is established, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity or earlier redemption of such bonds. In selecting the bonds to be paid from the sinking fund, the state treasurer shall attempt to maximize the debt service savings to be produced in fiscal years 2001 through 2005, inclusive, giving consideration to bonds which are not subject to redemption prior to maturity that bear the highest bond yield calculated in accordance with federal tax law. In selecting such bonds the state treasurer may also include bonds issued by other commonwealth agencies and authorities prior to June 30, 2000. The state treasurer may enter into agreements with trustees for the purpose of establishing the sinking fund for the benefit of the holders of the bonds to be paid pursuant to this section. The provisions of said section 49 applicable to sinking funds established with trustees which are not otherwise inconsistent with this section shall apply to the deposit of funds pursuant to this section. Not



later than 30 days following the establishment of any sinking fund pursuant to this section, the state treasurer shall provide the secretary of administration and finance, the comptroller and the chairmen of the house and senate committees on ways and means with a detailed report identifying by fiscal year the debt service payments of the commonwealth to be made from such sinking fund established as a result of the above expenditure. Not later than 60 days following the establishment of any sinking fund pursuant to this section, the comptroller shall provide the secretary of administration and finance and the chairmen of the house and senate committees on ways and means with a detailed schedule identifying by fiscal year and operating fund the debt service payments to be made from such sinking fund established as a result of the above expenditure.

**SECTION 15.** Notwithstanding any general or special law to the contrary, in each fiscal year 2001 to 2005, inclusive, the comptroller shall transfer to the Central Artery and Statewide Road and Bridge Infrastructure Fund from the operating funds identified in the schedules provided pursuant to section 14 the amounts specified for each such operating fund at the dates specified in such schedules. Interest earnings on amounts deposited to the Central Artery and Statewide Road and Bridge Infrastructure Fund shall be credited to said fund. Funds transferred in this manner shall be available, without further appropriation, for the purpose of funding costs associated with the Central Artery/Ted Williams Tunnel Project and to supplement the costs of transportation infrastructure needs of the commonwealth.

**SECTION 16.** Any statutorily authorized agency or authority on behalf of whom bonds are defeased pursuant to section 14 of this act is hereby directed to transfer to the state treasurer any amounts otherwise due and payable on any authority debt defeased pursuant to said section 14 on the dates that such payments would have been due by the agency or authority. Said state treasurer shall deposit all such transferred amounts into the Central Artery and Statewide Road and Bridge Infrastructure Fund.

**SECTION 17.** Notwithstanding section 5C of chapter 29 of the General Laws or any other general or special law to the contrary, as of June 30, 2000, the comptroller shall transfer to the Debt Defeasance Trust Fund the balance remaining from transfers made in accordance with the provisions of clause (b) of said section 5C of said chapter 29 for fiscal years 1997 to 1999, inclusive, but not in an amount greater than \$150,000,000 for the purpose of purchasing securities to be held for the credit of a sinking fund to be established in accordance with section 49 of said chapter 29. Said transfer shall occur on or before June 30, 2000.

**SECTION 18.** In carrying out any or all aspects of projects pursuant to the provisions of sections 2A and 2B, the department of highways may enter into such contracts or agreements as are necessary with other state, local or regional public agencies or authorities. Such agreements may relate to such matters as said department shall determine including, without limitation, the design, layout, construction, reconstruction or management of construction of all or any portion of such projects. In relation to such agreements between the department and other state agencies or authorities, the department may advance monies to such agencies or authorities, without prior expenditure by such agencies or authorities, and



such agencies and authorities may accept monies necessary to carry out such agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided further, that such agreements shall contain provisions satisfactory to the department for the accounting of such monies as expended by such agency or authority; and provided further, that all monies not expended under such agreement shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means any transfers completed pursuant to the provisions of this section.

**SECTION 19.** The department of highways may expend the sums authorized in sections 2A and 2B for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section 34 of chapter 90 of the General Laws, highway or mass transportation studies, including, but not limited to, traffic, environmental or parking studies, the establishment of school zones in accordance with section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities and, notwithstanding the provisions of any general or special law to the contrary, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety and for the relocation of persons or businesses or replacement of dwellings or structures including, but not limited to, the provision of last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4601 et seq., PL 90-646, and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month after such removal. In planning projects funded by sections 2A and 2B, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, however, that nothing herein shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects provided herein.

Funds authorized by sections 2A and 2B, except as otherwise specifically provided in this act, shall be subject to the provisions of the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts of 1956 and, notwithstanding the provisions of any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and any political subdivision of the commonwealth.

Notwithstanding the provisions of sections 38C, 40A and 40B of chapter 7 of the General Laws, the department shall have jurisdiction over the selection of designers performing design services in connection with the ventilation of buildings, utility facilities and toll booths to be constructed as part of the Central Artery/Ted Williams Tunnel Project and shall construct, control, supervise or contract such structures; provided, however, that no such construction or contractual agreement for construction shall begin prior to the review and approval of the inspector general. The inspector general shall file with the house and senate committees on ways and means and the joint committee on transportation all notices of approval for projects undertaken pursuant to the provisions of this paragraph.

In addition to the foregoing, the department may:

(1) expend funds made available by this act to acquire from any person, land or rights in land by lease, purchase or eminent domain under the provisions of chapter 79 of the General Laws, or otherwise, for parking facilities adjacent to any public way to be operated by the department or under contract with an individual;

(2) expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high occupancy vehicles including, but not limited to, water shuttles and water taxis; and

(3) in accordance with all applicable state and federal laws and regulations, exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

In carrying out the provisions of this section, the department may enter into contracts or agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to undertake additional transportation measures within a city and may enter into such contracts or agreements with other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions as may be necessary to implement such city agreements. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into such contracts or agreements with the department. In relation to such agreements, the department may advance to such agencies, organizations or authorities, without prior expenditure by such agencies, organizations or authorities, monies necessary to carry out such agreements; provided however, that the department shall certify to the comptroller the amount so advanced; provided, further, that all monies not expended under such agreement shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means any transfers completed pursuant to the provisions of this paragraph.

**SECTION 20.** (a) There is hereby established a special commission to study, make recommendations on, and propose any necessary legislation related to, the coordination, governance, design, construction, development, use, maintenance, planning and operation of the Surface Artery, so-called, and any of the parcels of land available upon the completion of the Central Artery/Ted Williams Tunnel Project, so-called, in the city of Boston, said parcels conveyed by the city of Boston to the commonwealth by a deed dated June 25, 1992 and recorded on July 8, 1992 in the Suffolk county registry of deeds in Book 17583 at Page

231, and other parcels along the artery corridor owned by the Massachusetts Bay Transit Authority, the Massachusetts Turnpike Authority, the department of highways and the Boston Redevelopment Authority.

(b) Said commission shall consist of three persons to be appointed by the governor, one of whom shall be the chairperson of the Massachusetts Turnpike Authority, three persons to be appointed by the mayor of the city of Boston, one of whom shall be the director of the Boston Redevelopment Authority, three persons appointed by the president of the senate, one of whom shall be the senate chairperson of the joint committee on transportation, and three persons appointed by the speaker of the house, one of whom shall be the house chairperson of the joint committee on transportation.

(c) Said commission shall be chaired jointly by the house and senate chairpersons of the joint committee on transportation.

(d) Said commission, as part of its study, analysis, and review, in making such recommendations regarding the coordination, governance, design, construction, development, use, maintenance, planning, and operation of the Surface Artery and related parcels of land, shall focus on and consider the following issues, studies, proposals, and impacts:

(1) That the development be approached as an integrated and interactive whole, balancing the integrity of the Surface Artery and parcels within the artery and along side the artery corridor with their unique and distinct characteristics;

(2) That there be a comprehensive and coordinated disposition, development and management strategy, including the consideration of a "master plan", so-called, prepared for the use, reuse, design and development of the Surface Artery;

(3) A consideration of the state, city, and community interests involved and impacted, including the purchase and ownership of the parcels of land comprising the Surface Artery by the commonwealth as reflected by the deed recorded in the Suffolk registry of deeds in Book 17583 at Page 231;

(4) The creation, composition and governance of a new entity or the designation of an existing entity, including, but not limited to, an agency, board, commission, department or authority, for the purposes of implementing the legislation resulting from said recommendations and findings of the commission established herein; provided, that such entity may be able to receive, raise, and hold funds; provided, that the entity shall reflect community, business, governmental, and environmental interests involved in discharging such legislation;

(5) Identification of private resources and public funds at the city, state, and federal level of government, including any grants, contributions, appropriations, assessments, state and local tax revenues;

(6) The preparation of a financial plan, including sources of funding for capital, maintenance and operations costs; provided, that such plan shall include independent or dedicated revenue sources, the financial contributions of charities, institutions, individuals, developers and abutters, and the requirement that public sector funds be matched with private sector funds or independent private revenue streams;



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(7) The coordination of public and private resources, including but not limited to, the establishment of a parkland trust, a business improvement district, a public commission or public authority; provided, that the governance of any such entities shall reflect the purchase and ownership by the commonwealth of the parcels of land comprising the Surface Artery;

(8) The plan, design and location of all feasible structural development, including any ramp and air-rights development;

(9) A process for parcel design and development, including a public process and opportunity for community input into such design, land-use and development;

(10) The design, construction, maintenance, operation and funding of a public park system; provided, that such identified funding for maintenance of said park be adequate, continuing and reliable;

(11) The use or development of open space parcels in the North End and Waterfront areas;

(12) The need and creation of a permanent neighborhood advisory committee;

(13) The maintenance of a ratio of 75 per cent for civic and open space and a ratio of 25 per cent for commercial and housing space; provided, that such a ratio may be adjusted accordingly to promote a public purpose or to ensure economic viability;

(14) A consideration of urban design and logistical issues impacting the development and function of the Surface Artery, including Dewey Square, and the need for a coordinated strategy and plan for access, circulation, and parking for motor vehicles, tour buses, school buses, and tourist trolleys;

(15) A consideration of the surface street plan and the pedestrian plan;

(16) A consideration of the historic, geographic, environmental, economic and cultural character of the Surface Artery;

(17) A consideration of the requirements of Boston zoning and to the urban design and development review procedures of the Boston Redevelopment Authority;

(18) A consideration of the work of the Boston 2000 Working Group as reflected in "A Progress Report of the Boston 2000 Working Group", dated January, 1998;

(19) That such recommendations be consistent with the provisions of chapter 80A of the General Laws; and

(20) The consideration of any other issues, studies, proposals, or impacts that may be relevant, pertinent, or material to the study, analysis and review of said commission.

(e) The commission shall prepare a final report of its findings resulting from its study, review, analysis and consideration, including legislative recommendations. Said commission shall file said report with the clerks of both the house of representatives and senate, and shall simultaneously submit a copy of said report to the governor, the president of the senate, the speaker of the house of representatives, the chairmen of the house and senate committees on ways and means and the chairmen of the house and senate committees on transportation, on or before December 31, 2000.

(f) All departments, divisions, commissions, authorities, boards, bureaus or agencies



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of the commonwealth or the city of Boston shall cooperate with the commission, upon request, for the purpose of providing information or professional expertise and skill relevant to coordination, governance, design, construction, development, use, maintenance, planning and operation of the Surface Artery or any of the parcels of land available upon completion of the Central Artery/Ted Williams Tunnel Project in the city of Boston.

(g) Said commission shall receive advice and comments from an advisory committee which shall include, but not be limited to, representatives from the following neighborhood, and groups: Move Massachusetts 2000, Boston Greenspace Alliance, North End neighborhood, Chinatown neighborhood, Leather District, Wharf District, Bulfinch North Area District, Charlestown neighborhood, Dewey Square District, Artery Business Committee.

Approved May 17, 2000.

**Chapter 88. AN ACT RESCINDING THE ACCEPTANCE BY THE TOWN OF CANTON OF A CERTAIN GENERAL LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of section 4B of chapter 4 of the General Laws or any other general or special law to the contrary, the vote of the annual town meeting of the town of Canton in the year 1998, under Article 37 of the warrant, to accept the provisions of section 18 of chapter 32B of the General Laws regarding health insurance for retired employees is hereby rescinded and declared to be without effect.

**SECTION 2.** This act shall take effect upon its passage.

Approved May 25, 2000.

**Chapter 89. AN ACT AUTHORIZING THE ATTORNEY GENERAL TO SUSPEND CERTAIN LABOR LAWS IN AN EMERGENCY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the suspension of certain labor laws in an emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

The attorney general may, pursuant to Article XX of Part the First of the Constitution, suspend the application or operation of chapter 149 of the General Laws or any rule or regulation made thereunder which regulates, limits or prohibits the employment of minors

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over the age of 16, during the following periods: (a) May 26, 2000 to June 21, 2000, inclusive, on Friday and Saturday evenings only; (b) May 25, 2001 to June 21, 2001, inclusive, on Friday and Saturday evenings only; (c) June 21, 2000 to September 4, 2000, inclusive; (d) June 21, 2001 to September 3, 2001, inclusive; (e) September 5, 2000 to October 31, 2000, inclusive, on Friday and Saturday evenings only; and (f) September 4, 2001 to October 31, 2001, inclusive, on Friday and Saturday evenings only. Said attorney general may exercise such authority upon finding, after opportunity to be heard has been given to interested parties, that an emergency exists or that conditions of hardship in an industry, branch of an industry or individual establishment require or justify the suspension of any such law, rule or regulation. Any such suspension by the attorney general shall prescribe, and may be granted or limited to, the particular departments, operations or occupations within an industry, branch of an industry or individual establishment.

Approved May 25, 2000.

**Chapter 90. AN ACT RELATIVE TO THE PARKING OF MOTORCYCLES.**

*Be it enacted, etc., as follows:*

The first paragraph of section 22A of chapter 40 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:- A city or town may, in accordance with the provisions of this section, authorize the parking of more than one motorcycle in a single parking space and may impose a penalty for the full amount of a violation of an ordinance, by-law, order, rule or regulation related to the parking of vehicles on ways within its control and subject to section 2 of chapter 85 for each motorcycle so parked in violation of any such ordinance, by-law, order, rule or regulation. No motorcycle shall be parked in such a manner so as to inhibit the means of egress of another motorcycle currently parked in the same parking space.

Approved May 25, 2000.

**Chapter 91. AN ACT ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE NORFOLK COUNTY SHERIFF'S OFFICE.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a sick leave bank for a certain employee of the Norfolk county sheriff's office, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

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Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Norfolk county sheriff's office shall establish a sick leave bank for Mary Ellen Mastrorilli, an employee of the sheriff's office. Any employee of the sheriff's office may voluntarily contribute one or more of his sick, personal or vacation days to the sick leave bank for use by Mary Ellen Mastrorilli.

Approved May 25, 2000.

## **Chapter 92. AN ACT RELATIVE TO CERTAIN INSURANCE COVERAGE FOR A FORMER EMPLOYEE OF THE TOWN OF TOWNSEND.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of sections 9A, 9D, 9D½, 9D¾, and 9E of chapter 32B of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Townsend may by majority vote assume payment of up to 85 per cent of the premium costs paid by William Felton to continue his group health insurance until he attains the age of 65 years pursuant to section 9 of said chapter 32B.

Approved May 25, 2000.

## **Chapter 93. AN ACT RELATIVE TO THE WATER AND LIGHT DEPARTMENTS OF THE TOWN OF TEMPLETON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the town of Templeton, a water department, under the jurisdiction of the Templeton municipal lighting plant. Upon the effective date of this act the Templeton municipal lighting plant shall be known as the Templeton municipal lighting and water plant, shall have all powers contained in chapter 164 of the General Laws and otherwise, and all powers and duties now and from time to time vested by general or special law and by by-law in the water department of said town; and the department of water under the jurisdiction of the selectmen is hereby abolished. The books of accounts of the light plant and water plant shall be kept separate and the water plant shall operate as an enterprise fund until changed by law.

**SECTION 2.** The manager of the Templeton municipal lighting and water plant shall exercise and perform such of the powers, rights and duties transferred under section 1 of this act and those contained in chapter 164 of the General Laws and otherwise as may from time to time be designated. Said manager shall be specifically fitted by education, training and experience to perform the duties of his office and need not be a resident of the town during

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his tenure of office. Said manager shall be responsible for the efficient exercise and performance of such powers, rights and duties.

During his tenure, said manager shall hold no other elective or appointive office nor engage in any other business or occupation. Said manager shall appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. Said manager shall render to the board of selectmen, as often as they may require, a full report of all operations under his control during the period reported upon, and annually, and from time to time as required by said board of selectmen, shall make a synopsis of such reports for publication and shall keep said board of selectmen advised as to the needs of the town within the scope of his duties; and shall annually, not less than 120 days prior to the expiration of the fiscal year of said town, furnish to said board of selectmen a detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said rights and duties. The permanent employees of the department of water under the jurisdiction of said board of selectmen of the town of Templeton abolished by this act shall be transferred to and become employees of the Templeton municipal lighting and water plant and every employee so transferred who immediately before such transfer was subject to section 9A of chapter 30 of the General Laws or to chapter 31 of the General Laws under a permanent appointment and who has served a probationary period shall continue to serve subject to the provisions of said section 9A of said chapter 30 or said chapter 31 as the case may be, whether or not thereafter reclassified, and shall retain all rights to holidays, sick leave and vacations in effect on the effective date of this act.

**SECTION 3.** This act shall be submitted to the voters of the town of Templeton for acceptance at the annual town election in the year 2000 or any other election, in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said election:

"Shall an act passed by the General Court in the year 2000 entitled 'An Act relative to the water and light departments of the town of Templeton', be accepted?"

If a majority of the votes cast in answer to this question is in the affirmative, this act shall take effect 120 days following the vote, but not otherwise.

**SECTION 4.** Section 3 of this act shall take effect upon its passage.

Approved May 25, 2000.

## Chapter 94. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF THE MONTH OF JUNE AS PORTUGUESE-AMERICAN MONTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the annual observance of the month of June as Portuguese-American Month, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.



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*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15FFFF, inserted by chapter 42 of the acts of 2000, the following section:-

Section 15GGGG. The governor shall annually issue a proclamation setting apart the month of June as Portuguese-American Month, in recognition of the significant contributions Portuguese-Americans have made to the commonwealth and to the United States. The governor may include such contributions as he shall see fit in such proclamation, after consultation with Portuguese-American groups, and shall recommend that said month be observed in an appropriate manner by the people.

Approved June 2, 2000.

## Chapter 95. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO GRANT A CERTAIN CONSERVATION RESTRICTION.

*Be it enacted, etc., as follows:*

**SECTION 1.** The city of Fitchburg may grant a conservation restriction in accordance with the provisions of sections 31 to 33, inclusive, of chapter 184 of the General Laws to the North County Land Trust, Inc., for land owned by the city of Fitchburg and currently used for water supply protection and control purposes consisting of two parcels of land described by deeds recorded in the Worcester district registry of deeds, Book 854, Page 87 and Book 871, Page 307, known as the Overlook Reservoir and Marshall Reservoir parcels.

**SECTION 2.** The North County Land Trust, Inc. is authorized to convey, and the city of Fitchburg may accept a deed from the North County Land Trust, Inc. for a parcel of land consisting of approximately 1.67 acres of land being a portion of land acquired by the North County Land Trust, Inc. by deed dated October 21, 1994, and recorded in the Worcester northern district registry of deeds, Book 2645, Page 293. The premises to be conveyed are described as "Parcel A" on the "City of Fitchburg Department of Public Works Plan of Land in Fitchburg, MA owned by North County Land Trust" dated December 22, 1999, said plan to be recorded with the deed.

**SECTION 3.** The city of Fitchburg may construct a water storage tank or tanks and any other structures necessary for water supply, protection or control purposes on the aforesaid 1.67 acre parcel, free from any conservation or preservation restriction on the premises subject, however, to the conservation restriction authorized by this act.

**SECTION 4.** The city of Fitchburg may grant a conservation restriction upon the 1.67 acre parcel to the North County Land Trust, Inc.

**SECTION 5.** Nothing in this act shall be construed as limiting use by the city of Fitchburg of the subject premises for water supply, protection or control purposes except as

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specifically provided for in the conservation restriction authorized to be granted by the city of Fitchburg to the North County Land Trust, Inc. by this act.

**SECTION 6.** This act shall take effect upon its passage.

Approved June 2, 2000.

## Chapter 96. AN ACT RELATIVE TO COUNTERSIGNATURES BY RESIDENT AGENTS ON CERTAIN INSURANCE POLICIES.

*Be it enacted, etc., as follows:*

**SECTION 1.** The first paragraph of section 99 of chapter 175 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out clause First and inserting in place thereof the following clause:-

First, a company may print on or in its policies its name, location, date of incorporation, plan of operation, whether stock or mutual, and, if the former, the amount of its paid-up capital stock; provided, however, that a corporation organized under a special act of the legislature of any state may so indicate upon its policy and may add a statement of the plan under which it operates in this commonwealth. A company may also print on or in its policies the names of its officers and agents, the number and date of the policy. A company may also indicate on the face of its policies or elsewhere the perils insured against in the policy or in any actual or contemplated endorsements thereto or both, and may show the location and description of the property or interest covered, the amount, rate and premium applicable to the hazards insured and an abstract of other pertinent policy or endorsement provisions. A mutual company shall fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds and shall print on the filing back of its policies the notice required by section 76, the endorsement required by section 80 and the statement required by section 81.

**SECTION 2.** Section 150 of said chapter 175, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words ", as provided in section one hundred and fifty-seven,".

**SECTION 3.** Section 157 of said chapter 175 is hereby repealed.

**SECTION 4.** Section 5 of chapter 176L of the General Laws is hereby repealed.

**SECTION 5.** Chapter 78 of the acts of 2000 is hereby amended by striking out section 8 and inserting in place thereof the following section:-

*Section 8.* Sections 2 and 6 of this act shall apply to all pending and future claims in liquidation proceedings pending on the effective date of this act and to claims in liquidation proceedings filed after the effective date of this act.

Approved June 2, 2000.

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**Chapter 97. AN ACT AUTHORIZING THE TOWN OF BOLTON TO BORROW MONEY FOR THE CLEANUP OF GASOLINE CONTAMINATION AND RELATED COSTS.**

*Be it enacted, etc., as follows:*

Section 1 of chapter 14 of the acts of 1995 is hereby amended by striking out, in line 3, the words "six hundred seventy thousand dollars" and inserting in place thereof the following figure:- \$800,000.

Approved June 2, 2000.

**Chapter 98. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO ESTABLISH AN OPEN SPACE FUND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the city of Leominster is hereby authorized to establish a city Open Space Fund, the purpose of which shall be to preserve open areas within the city and to provide funds for the purchase of open space property or conservation easements. The city may design and designate a place on its municipal tax bills or the motor vehicle excise tax bills, or may mail with such tax bills a separate form, whereby the taxpayers of the city may voluntarily check off, donate or pledge an amount not less than \$1 to said fund.

**SECTION 2.** Amounts donated to the Open Space Fund shall be deposited into a special account and shall be in the custody of the city treasurer and the funds may be expended as is recommended by the mayor and approved by the city council for the purchase of open space or conservation easements as may be appropriate. Interest earned upon such fund shall remain therewith.

**SECTION 3.** This act shall take effect upon its passage.

Approved June 8, 2000.

**Chapter 99. AN ACT RELATIVE TO THE ISSUANCE OF CERTAIN BONDS BY THE TOWN OF AUBURN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Auburn may issue bonds or notes in an amount not in excess of \$4,000,000 for the cost of public lighting installations, placing utility lines and related structures and facilities underground, and other improvements along Route 12 in said town, in conjunction with the reconstruction of said Route 12 by the commonwealth, for a term not in excess of 20 years

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from their date of issue. Except as otherwise provided in this act, such bonds or notes shall be subject to the applicable provisions of chapter 44 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 8, 2000.

**Chapter 100. AN ACT AUTHORIZING THE TOWN OF BILLERICA TO ESTABLISH A CERTAIN FUND.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Billerica may establish a separate fund to be known as the Land Bank Fund which shall be kept separate and apart from all other monies of the town. The treasurer may invest the funds in the manner authorized by sections 54 and 55 of said chapter 44. The principal and interest thereon may be expended for the purchase of interests in lands and buildings for conservation, open space, recreational or any other municipal purposes upon a two-thirds vote of the town meeting.

Approved June 9, 2000.

**Chapter 101. AN ACT VALIDATING THE RESULTS OF THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF HUBBARDSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings taken by the town of Hubbardston at its annual town election held on May 4, 1999, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed, notwithstanding any defect or omission in the posting of said election.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 9, 2000.

**Chapter 102. AN ACT RELATIVE TO THE USE OF THE SUBDIVISION FORFEITURE ACCOUNT IN THE TOWN OF BILLERICA.**

*Be it enacted, etc., as follows:*

**SECTION 1.** As used in this act, the following words shall have the following meanings:-



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"Planning board", the planning board of the town of Billerica.

"Subdivision forfeiture account", those funds, not to exceed \$75,000 held by the town of Billerica or any agency or board thereof which have been deposited under section 81U of chapter 41 of the General Laws, which are not attributable to a particular subdivision, and which have been forfeited as a result of the failure to complete the construction of work or to install municipal services in a subdivision.

**SECTION 2.** The planning board shall authorize the expenditure of funds in the subdivision forfeiture account for such purposes as are consistent with the intent of this act and after compliance with the procedures set forth in this act.

**SECTION 3.** Before authorizing the expenditure of funds in the subdivision forfeiture account, the planning board shall hold a public hearing. Notice of such public hearing shall be given by publications in a newspaper of general circulation in the town of Billerica no less than 14 days before the public hearing.

**SECTION 4.** (a) If after holding the public hearing referred to in section 3 the planning board finds the following, it may expend funds in the subdivision forfeiture account:

(1) funds held in the subdivision forfeiture account are not attributable to a particular subdivision;

(2) use of funds from the subdivision forfeiture account would enable the construction of public ways or the installation of municipal services in an incomplete subdivision;

(3) no other source of funds is feasibly available to undertake the construction of public ways or the installation of municipal services in an incomplete subdivision; and

(4) the planning board determines that it is in the public interest to expend funds from the subdivision forfeiture account for the purpose of undertaking the construction of public ways or the installation of municipal services in an incomplete subdivision.

(b) For the purposes of authorizing expenditures under this act, the planning board shall be subject to chapter 30B of the General Laws.

**SECTION 5.** Upon making the findings required in section 4 and upon compliance with chapter 30B of the General Laws, the planning board may authorize expenditure of funds from the subdivision forfeiture account. Upon completion of the construction or installation in accordance with such expenditure, the planning board shall report to the board of selectmen as to the funds expended and the purposes for which the expenditure was made. Any expenditures made under this act shall be subject to audit under section 3 of Article III of the general by-laws of the town of Billerica.

**SECTION 6.** The planning board may promulgate regulations to carry out the provisions of this act.

**SECTION 7.** This act shall expire on January 1, 2005.

Approved June 9, 2000.

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**Chapter 103. AN ACT PROHIBITING CERTAIN CLAIMS AGAINST ESCROW AGENTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 17A of chapter 184 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:-

If an individual, firm or corporation holds funds entrusted to him pursuant to a written agreement for the sale of real property and the written agreement expressly authorizes the individual, firm or corporation, as escrow agent, to continue to hold the funds in the event of a dispute between the buyer and seller concerning entitlement to the funds, no claim shall be maintained against the individual, firm or corporation, as escrow agent, whether as trustee, stakeholder or otherwise, if the escrow agent has complied with the mutual written instructions of the buyer and seller, if any, and any order or judgment of a court or final decision of an arbitrator with regard to accounting for or disbursing the funds. In an action commenced with regard to entitlement to such escrowed funds, a party to the action may file a motion seeking an order to have the funds paid into court by the escrow agent. Written notice of the motion shall be given by the moving party to all other parties and to the escrow agent. The escrow agent shall pay the funds into court within ten days of receipt of such order or within such other time as provided by the court.

**SECTION 2.** This act shall apply to agreements for the sale of real property entered into or executed on or after the effective date of this act.

Approved June 15, 2000.

**Chapter 104. AN ACT RELATIVE TO RECALL ELECTIONS IN THE TOWN OF BRAINTREE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The second paragraph of section 3 of chapter 162 of the acts of 1994 is hereby amended by inserting after the word "shall", the first time it appears, the following words:- within ten days.

**SECTION 2.** Said chapter 162 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

*Section 4.* The official whose recall is being sought may be a candidate to succeed himself in the recall election. The nomination of all candidates, including the official whose recall is being sought, the publication of the warrant for the removal election, and the conduct of the same, shall be in accordance with the provisions of the law relating to elections unless otherwise provided in this act.

**SECTION 3.** This act shall take effect upon its passage.

Approved June 17, 2000.

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**Chapter 105. AN ACT AUTHORIZING TOWNS TO PROVIDE FOR THEIR PRINTING OF THE ANNUAL REPORTS ON A FISCAL YEAR BASIS.**

*Be it enacted, etc., as follows:*

The second paragraph of section 49 of chapter 40 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- A town may also by by-law provide for the printing of all reports of town officers and boards, committees and commissions on a fiscal year basis in place of the calendar year report required by this section.

Approved June 17, 2000.

**Chapter 106. AN ACT RELATIVE TO THE ONSET AND WAREHAM FIRE DISTRICTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The territories of the Wareham Fire District and the Onset Fire District are hereby expanded so that together they occupy coextensive with the territory of the town of Wareham. The boundary between the two districts shall be as shown on a plan entitled "Plan of Proposed Additions to Wareham Fire District and Onset Fire District, Wareham, Massachusetts/Plymouth county, Date: June 15, 1999, Scale: 1"=¼ Mile, Charles L. Rowley & Associates, Civil Engineers & Surveyors, West Wareham, MA".

**SECTION 2.** Each of the areas newly incorporated into each respective district will be considered fully a part of that district for all purposes set out in that district's charter, enabling legislation, by-laws and regulations.

**SECTION 3.** The town may lease or sell the following parcels of land to the Wareham Fire District: a parcel off Glen Charlie road identified on the maps of the board of assessors as Map 128, Lot B2, and a parcel off Minot avenue identified on the maps of the board of assessors as Map 43, Lot 1070B. The conveyance shall be subject to such terms and conditions as the board of selectmen deems appropriate. The term of any lease shall not exceed 99 years, but any lease of such property shall contain a provision for automatic cancellation should the property cease to be used for fire protection purposes. Any deed of sale shall contain a reversion clause should the property not be used for fire protection purposes.

**SECTION 4.** Notwithstanding the provisions of chapter 30B of the General Laws, the town may convey certain vehicles and equipment to said districts to be used for fire protection purposes.

**SECTION 5.** The districts may utilize the provisions of sections 53E½ and 53F½ of chapter 44 of the General Laws, in the same manner as cities and towns.

Approved June 17, 2000.

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**Chapter 107. AN ACT VALIDATING THE ACTS AND PROCEEDINGS AT CERTAIN TOWN MEETINGS OF THE TOWN OF CHILMARK.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law or town by-law to the contrary, all acts and proceedings of the town of Chilmark at the special town meeting held on December 9, 1997, the 1998 annual town meeting, the special town meeting held on September 10, 1998 and the special town meeting held on January 25, 1999 are hereby ratified, validated and confirmed to the same extent as if the notices for such meetings had been posted and published in full compliance with law.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 17, 2000.

**Chapter 108. AN ACT AUTHORIZING THE MASSACHUSETTS WATER RESOURCES AUTHORITY TO ENTER INTO A CONTRACT WITH THE NEW ENGLAND CENTER FOR CHILDREN, INC.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Water Resources Authority is authorized to enter into a contract with The New England Center For Children, Inc., a Massachusetts nonprofit corporation located in the town of Southborough to provide sewer services to said center. A political subdivision listed in paragraph (c) of section 8 of chapter 372 of the acts of 1984 is authorized, as a party to such contract or by a separate contract, to provide for the conveyance of sewage from said center to the sewer system of said authority if service to said center is not provided by a direct connection to said authority's sewer system. The connection authorized in this act shall be sized for and limited to use by said center, and any discharges into the connection shall be subject to the direction, control and regulation of said authority pursuant to said chapter 372.

Said contract shall include provisions to charge said center for all expenses and costs of connection and for sewer services said authority provides to said center and shall contain other terms and conditions applicable to the connection and for the provision of sewer services as determined by said authority. The political subdivision, if any, shall charge said center for the use of its sewer system to convey sewage to said authority's sewer system. Nothing in this act shall grant to the town of Southborough any rights to receive sewer services from said authority or otherwise cause said town to have any of the rights or obligations of the political subdivisions listed in said paragraph (c) of said section 8 of said chapter 372.

*Emergency Letter: June 22, 2000 @ 11:42 A.M.*

Approved June 22, 2000.



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**Chapter 109. AN ACT INCLUDING THE WEST GROTON MILL WITHIN THE  
AYER ECONOMIC TARGET AREA AND ECONOMIC  
OPPORTUNITY AREA.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 18 of chapter 498 of the acts of 1993 is hereby amended by adding the following sentence:- For the purposes of this act, the Ayer Economic Target Area and Economic Opportunity Area shall include the land located in the town of Groton known as the West Groton Mill or the Old Leatherboard Mill, and shown on the town of Groton assessors' map M as parcel 129.

**SECTION 2.** Any tax increment financing agreement respecting the West Groton Mill, referenced in section 1, shall include all material terms and conditions of provisions A(2) and A(3) of the tax increment financing agreement made between the town of Groton and Capstone Properties, Inc., entered into on May 24, 1999 and approved by the Massachusetts Economic Assistance Coordinating Council.

**SECTION 3.** This act shall take effect upon its passage.

Approved June 22, 2000.

**Chapter 110. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND  
NOTES ISSUED BY THE COMMONWEALTH.**

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to facilitate forthwith the issuance of bonds and notes to carry out the purposes of a certain act passed by the general court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 3 of chapter 87 of the acts of 2000 shall be issued for a term not to exceed 30 years. All such bonds shall be payable by June 30, 2031, as recommended by the governor in a message to the general court dated May 24, 2000, in pursuance of Section 3 of Article LXII of the Articles of Amendment to the Constitution.

**SECTION 2.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 4 of said chapter 87 shall be issued for a term not to exceed 20 years. All such bonds shall be payable by June 30, 2025, as recommended by the governor in a message to the general court dated May 24, 2000, in pursuance of Section 3 of Article LXII of the Articles of Amendment to the Constitution.

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**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, the bonds which the state treasurer is authorized to issue under section 5 of said chapter 87 shall be issued for a term not to exceed 20 years. All such bonds shall be payable by June 30, 2024, as recommended by the governor in a message to the general court dated May 24, 2000, in pursuance of Section 3 of Article LXII of the Articles of Amendment to the Constitution.

**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the notes which the state treasurer is authorized to issue under section 6 of said chapter 87 shall be issued, and may be renewed one or more times, for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June 30, 2006, as recommended by the governor in a message to the general court dated May 24, 2000, in pursuance of Section 3 of Article LXII of the Articles of Amendment to the Constitution.

Approved June 23, 2000.

**Chapter 111. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2000, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000. Said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**

**JUDICIARY.**

*Committee for Public Counsel Services.*

0321-1500 ..... \$231,735

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

*Department of Veterans' Services.*

1410-0300 ..... \$650,000

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Division of Medical Assistance.*

4000-0430 ..... \$7,375,000

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4000-0500	.....	\$43,250,000
4000-0600	.....	\$64,100,000
4000-0700	.....	\$39,000,000
4000-0860	.....	\$12,945,000
4000-0870	.....	\$21,380,000
	<i>Holyoke Soldiers' Home.</i>	
4190-0100	.....	\$216,460
	<i>Department of Social Services.</i>	
4800-0031	.....	\$5,664,245
	<i>Department of Mental Health.</i>	
5095-0015	.....	\$375,000
	<b>EXECUTIVE OFFICE OF PUBLIC SAFETY.</b>	
	<i>Department of State Police.</i>	
8100-0000	.....	\$592,764
	<i>Department of Correction.</i>	
8900-0001	.....	\$1,922,000
	<i>County Corrections.</i>	
8910-0000	.....	\$4,000,000
	<i>Sheriffs.</i>	
8910-0110	.....	\$231,112
	<i>Parole Board.</i>	
8950-0001	.....	\$381,580

**SECTION 3.** Item 4000-0300 of section 2 of chapter 127 of the acts of 1999 is hereby amended by adding the following words:- ; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purpose of accommodating timing discrepancies between the receipt of recoveries and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed a total of \$30,000,000.

**SECTION 4.** Item 4000-0430 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$3,666,500" and inserting in place thereof the following figure:- \$6,724,000.

**SECTION 5.** Item 4000-0500 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$148,620,000" and inserting in place thereof the following figure:- \$204,355,000.

**SECTION 6.** Item 4000-0600 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$235,520,000" and inserting in place thereof the following figure:- \$274,091,000.

**SECTION 7.** Item 4000-0700 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$102,380,000" and inserting in place thereof the following figure:- \$143,083,000.

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**SECTION 8.** Item 4000-0860 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$21,070,000" and inserting in place thereof the following figure:- \$26,266,000.

**SECTION 9.** Item 4000-0870 of said section 2 of said chapter 127 is hereby amended by striking out the figure "\$8,460,000" and inserting in place thereof the following figure:- \$25,200,000.

**SECTION 10.** This act shall take effect upon its passage.

Approved June 23, 2000.

## Chapter 112. AN ACT APPOINTING THE CLERK OF THE TOWN OF SPENCER TO THE BOARD OF SELECTMEN OF THE TOWN.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of chapter 186 of the acts of 1998 or any other general or special law to the contrary, the clerk of the town of Spencer is hereby appointed to act as a member of the board of selectmen of said town for the interim period beginning with the effective date of this act and continuing until the election and qualification of successor selectmen at a special election to be held for that purpose under the provisions of law governing elections to local office.

**SECTION 2.** Notwithstanding the provisions of said chapter 186 or any other general or special law to the contrary, for the interim period of the appointment of the clerk of the town of Spencer to act as a member of the board of selectmen, as provided in section 1, said board shall be authorized to act only upon limited ministerial matters and as license and permit authority, to appoint special town counsel in matters where town counsel is recused, in imminent threat or emergency, and to respond to and settle claims against the town of Spencer.

**SECTION 3.** This act shall take effect upon its passage.

Approved June 26, 2000.

## Chapter 113. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2001, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION ACT FOR SAID FISCAL YEAR.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, \$700,000,000 is hereby appropriated for the fiscal year ending June 30, 2001, to



meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions and institutions including federal grant and Intragovernmental Service Fund expenditures, for other necessary services and for meeting certain requirements of law. The authorization contained in this section shall cease to be operative as of the effective date of said general appropriation act, and all actions taken under this section shall apply against said general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in said general appropriation act.

**SECTION 2.** Notwithstanding the provisions of any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2000, but which are necessary to fund obligations subsequent to said date are hereby reauthorized through August 10, 2000. The reauthorizations contained in this section shall terminate upon enactment of capital account extension legislation.

**SECTION 3.** The state treasurer shall make advance payments for periodic local reimbursements or assistance programs to a city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines issued by said secretary.

**SECTION 4.** The fourth sentence of section 107 of chapter 88 of the acts of 1997, as amended by section 3 of chapter 90 of the acts of 1999 hereby further amended by striking out the figure "2000" and inserting in place thereof the following figure:- 2001.

**SECTION 5.** Sections 1 and 3 shall take effect on July 1, 2000. Sections 2 and 4 shall take effect on June 30, 2000. This section shall take effect upon its passage.

Approved June 26, 2000.

## **Chapter 114. AN ACT IMPROVING TEACHER RECRUITMENT, RETENTION AND RETIREMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after paragraph (g) the following paragraph:-

(g $\frac{1}{2}$ ) The period or periods before 1975 during which any member in service of the teachers' retirement system or any teacher who is a member of the State-Boston retirement system resigned for the purposes of maternity leave or was on unpaid leave of absence for such purposes from the governmental unit in which the member was employed as a teacher and had established membership in a Massachusetts contributory retirement system shall be allowed as creditable service, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission;

provided, that no credit shall be allowed unless such member has paid into the Annuity Savings Fund of the system by December 31, 2001, in one sum or in installments, upon such terms and conditions as the board may prescribe, an amount equal to the deductions that would have been withheld had the member continued in service, as determined by the board, together with regular interest. No credit shall be allowed and no payment shall be accepted under this paragraph until such member shall have completed ten or more years of membership service, but if any such member completes ten years of service after December 31, 2001, the member shall be permitted to make payment under this paragraph within 18 months of the date she has completed ten years of service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years.

**SECTION 2.** Section 5 of said chapter 32, as amended by section 12 of chapter 68 of the acts of 1999, is hereby further amended by adding the following subdivision:-

(4)(i) Notwithstanding the provisions of this chapter or any other general or special law to the contrary, there is hereby established an alternative superannuation retirement benefit program for members of the teachers' retirement system and teachers who are members of the State-Boston retirement system. Participation in said program shall be mandatory for all teachers hired on or after July 1, 2001. Such members shall make contributions to the teachers' retirement system or to the State-Boston retirement system at the rate of 11 per cent on all regular compensation. Any member of the teachers' retirement system or any teacher who is a member of the State-Boston retirement system before July 1, 2001 may elect to participate in the alternative superannuation retirement benefit program. Said election shall be made on or after January 1, 2001 and before July 1, 2001. Any member of a contributory retirement system who transfers into the teachers' retirement system or transfers into the State-Boston retirement system as a teacher may elect to participate in the alternative superannuation retirement benefit program; provided, that said election shall occur within 180 days of establishing membership in the teachers' retirement system or the State-Boston retirement system. The election to participate in the alternative superannuation retirement benefit program shall be irrevocable. Any member who elects to so participate shall be required to make a minimum of five years of retirement contributions at the rate of 11 per cent of regular compensation pursuant to section 22. If said member elects to retire before he has made said five years of contributions at 11 per cent, said member shall pay, in one sum or in installments as the board may prescribe, an amount equal to that which would have been withheld as regular deductions at the rate of 11 per cent from his regular compensation for such five year period based on his last 12 months of regular compensation less contributions made during said member's last five years of creditable service. Any inactive member who elects to retire before he has made said five years of contributions at 11 per cent shall pay, in one sum or in installments as the board may prescribe, an amount equal to that which would have been withheld as regular deductions at the rate of 11 per cent from his regular compensation for such five year period based on the last 12 months of regular compensation which would have been paid to said inactive member had said member continued in the position from which he is currently inactive less contributions made during

said member's last five years of creditable service. Any schedule permitting an acceleration of contributions shall be consistent with the plan qualification requirements of the Internal Revenue Code and shall, where necessary to meet the requirements of the Internal Revenue Code, provide for an actuarial reduction of benefits by the actuary appointed by the commission in accordance with the provisions of section 21. Any member who elects to participate in the alternative superannuation retirement benefit program and pays additional contributions pursuant to this section and does not complete 30 years of creditable service shall upon termination from membership in or retirement from the system be reimbursed such additional contributions, plus regular interest, as determined by the teachers' retirement board or the State-Boston retirement board.

(ii) The normal yearly amount of the retirement allowance for an eligible employee who has completed at least 30 years of creditable service and has paid the full amount of regular deductions on the total amount of regular compensation as determined under paragraph (a) of subdivision (2), shall be based on the average annual rate of regular compensation as determined under said paragraph (a) and shall be computed according to the table contained in said paragraph (a) based on the age of such member and his number of years and full months of creditable service at the time of his retirement with the percentage of salary average in such computation to be increased by 2 per cent per year for each full year of service in excess of 24 years of creditable service. Such member shall have served for not less than 20 years as a teacher in order to be eligible to receive the benefit provided under this subdivision. For any member who retires before age 55, his age factor shall be determined in accordance with subdivision (1) of section 10. Any member who retires before completing 30 years of service shall receive a retirement allowance equal to the retirement allowance that the member would have been eligible for had he not participated in the alternative superannuation retirement benefit program.

The total normal yearly amount of the retirement allowance, as determined in accordance with this subdivision of any employee who retires and receives an additional benefit under the alternative superannuation retirement benefit program shall not exceed four-fifths of the average annual rate of his regular compensation received during any period of three consecutive years of creditable service for which the rate of compensation was the highest or of the average annual rate of his regular compensation received during the period or periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

**SECTION 3.** Subdivision (3) of section 21 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

(g) In consultation with the teachers' retirement board, review and analysis of information required under subdivision (4) of section 5 and the valuation of the annual costs and actuarial liabilities attributable to the additional benefits payable under said subdivision (4). The analysis shall focus on the contributions made by members and the normal cost of benefits, plus any other liabilities determined by the actuary to be a result of such benefit changes under said subdivision (4). The analysis shall also compare the total costs and actu-



arial liabilities attributable to those members who retire under the provisions of said subdivision (4) with the members classified in *Group 1* of paragraph (g) of subdivision (2) of section 3 who do not retire under the provisions of said subdivision (4). Beginning January 1, 2002, and every year thereafter, the actuary shall forward such analysis to the teachers' retirement board, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on public service.

**SECTION 4.** Subdivision (1) of section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) The treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, and the treasurer or other disbursing officer in charge of payrolls in any free public library the employees of which are eligible for membership in a system, shall, upon written notice from the board:

(i) withhold on each pay day 5 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered to him on or after January 1, 1946, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof before January 1, 1975;

(ii) withhold on each pay day 7 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after January 1, 1975, and not later than the date of his attaining the maximum age for his group, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1975, but before January 1, 1984;

(iii) withhold on each pay day 8 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after January 1, 1984, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 1984, but before July 1, 1996;

(iv) withhold on each pay day 9 per cent of the regular compensation of each employee who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after July 1, 1996, and not later than the date of his attaining the maximum age for his group in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 1996;

(v) withhold on each pay day 12 per cent of the regular compensation of each employee who is a member of the state police appointed pursuant to section 10 of chapter 22C, and is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after July 1, 1996, and not later than the date of



his attaining the maximum age for his group in the case of an employee who entered the service of the state police on or after July 1, 1996; and

(vi) withhold on each pay day 11 per cent of the regular compensation of each employee who participates in the alternative superannuation retirement benefit program established under subdivision (4) of section 5 on account of such service rendered by him on or after July 1, 2001.

In the case of any teacher the withholding shall be made upon written notice from the school committee or board of trustees or other employing authority, to the treasurer or other disbursing officer of the political subdivision by which such teacher is employed.

**SECTION 5.** Paragraph (b)½ of said subdivision (1) of said section 22 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- The additional contributions required under this paragraph shall not apply to any employee who participates in the alternative superannuation retirement benefit program established in subdivision (4) of section 5.

**SECTION 6.** Section 91 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period during which there is a critical shortage of certified teachers available for employment in a school district, said school district may employ as a teacher or as a mentor to other teachers any person who has retired from the teachers' retirement system or the State-Boston retirement system. Any such retired person who renders service in a public school district as a teacher or as a mentor to other teachers shall be subject to all laws, rules and regulations governing the employment of teachers in the school district. Such person shall not be deemed to have resumed active membership in the teachers' retirement system or State-Boston retirement system and said service shall not be counted as creditable service toward retirement; but in the first two years immediately following the effective date of retirement, the earnings received by a teacher who retired pursuant to subdivision (4) of section 5 when added to any pension or retirement allowance he is receiving shall not exceed the salary that is being paid for the position from which he was retired or in which his employment was terminated.

**SECTION 7.** No employee shall be retired under the alternative retirement benefit program established under subdivision (4) of section 5 of chapter 32 of the General Laws before July 1, 2001.

*This chapter was returned by the Governor to the House, the branch in which it originated, with his objections thereto, was passed by the House on June 21, 2000, and by the Senate on June 22, 2000, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and therefore has the force of law.*

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**Chapter 115. AN ACT RELATIVE TO THE ENTERPRISE FUND FOR THE GOLF COURSE IN THE TOWN OF BREWSTER.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 2 of chapter 182 of the acts of 1997 is hereby repealed.

**SECTION 2.** This act shall take effect on June 30, 2000.

Approved June 29, 2000.

**Chapter 116. AN ACT RELATIVE TO SCHOOL CLOSINGS IN THE CITY OF WOBURN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 31 of chapter 172 of the acts of 1897 is hereby amended by adding the following sentence:- No public school in the city of Woburn shall be closed unless the school committee votes to build a new school on the same lot, or unless the closing of such public school is approved by a two-thirds vote of the school committee and by a two-thirds vote of the city council.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 29, 2000.

**Chapter 117. AN ACT RELATIVE TO CERTAIN TOBACCO MANUFACTURERS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure that the financial burdens imposed on the commonwealth as a result of cigarette smoking be borne by tobacco product manufacturers as provided for in this act, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** The general court finds that:

(a) Cigarette smoking presents serious public health concerns to the commonwealth and to the citizens of the commonwealth. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(b) Cigarette smoking also presents serious financial concerns for the commonwealth. Under certain health care programs, the commonwealth may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette

smoking, and those persons may have a legal entitlement to receive such medical assistance.

(c) Under these programs, the commonwealth pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

(d) It is the policy of the commonwealth that financial burdens imposed on the commonwealth by cigarette smoking be borne by tobacco product manufacturers rather than by the commonwealth to the extent that such manufacturers either determine to enter into a settlement with the commonwealth or are found culpable by the courts.

(e) On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement", with the commonwealth. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present, and certain future claims against them as described therein, to pay substantial sums to the commonwealth, tied in part to their volume of sales; to fund a national foundation devoted to interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

(f) It would be contrary to the policy of the commonwealth if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the commonwealth will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the commonwealth to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment proof before liability may arise.

**SECTION 2.** The General Laws are hereby amended by inserting after chapter 94D the following chapter:-

#### **CHAPTER 94E.**

#### **PROVISIONS CONCERNING CERTAIN TOBACCO MANUFACTURERS.**

Section 1. As used in this chapter, the following words shall have the following meanings:-

"Adjusted for inflation", increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.

"Affiliate", a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns", "is owned", and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10 per cent or more; and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

"Allocable share", allocable share as that term is defined in the Master Settlement Agreement.

"Cigarette", any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (b) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (a) of this definition. The term "cigarette" includes "roll-your-own", so-called, which is any tobacco that, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette", 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette".

"Master Settlement Agreement", the settlement agreement, and related documents, entered into on November 23, 1998 by the commonwealth and leading United States tobacco product manufacturers.

"Qualified escrow fund", an escrow arrangement with a federally or state chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with clause (b) of section 2.

"Released claims", released claims as that term is defined in the Master Settlement Agreement.

"Releasing parties", releasing parties as that term is defined in the Master Settlement Agreement.

"Tobacco product manufacturer", an entity that directly, and not exclusively through any affiliate:

(a) manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and if the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(b) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States;  
or

(c) becomes a successor of an entity described in clause (a) or (b).



The term "Tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within clauses (a) to (c), inclusive.

"Units sold", the number of individual cigarettes sold in the commonwealth by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, as measured by excise taxes collected by the commonwealth on packs, or "roll-your-own", so-called, tobacco containers, bearing the excise tax stamp of the commonwealth. The department of revenue shall promulgate such regulations as are necessary to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

Section 2. Any tobacco product manufacturer selling cigarettes to consumers within the commonwealth, whether directly or through a distributor, retailer or similar intermediary or intermediaries, shall do one of the following:

(a) become a participating manufacturer, as that term is defined in section II(jj) of the Master Settlement Agreement, and generally perform its financial obligations under the Master Settlement Agreement; or

(b) (1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts as such amounts are adjusted for inflation:

(i) 2000: \$.0104712 per unit sold;

(ii) for each of 2001 and 2002: \$.0136125 per unit sold;

(iii) for each of 2003 through 2006: \$.0167539 per unit sold;

(iv) for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) a tobacco product manufacturer that places funds into escrow pursuant to subclause (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:-

(i) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the commonwealth or any releasing party located or residing in the commonwealth. Funds shall be released from escrow under this subclause (A) in the order in which they were placed into escrow and (B) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(ii) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the commonwealth's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement, other than the inflation adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(iii) to the extent not released from escrow under paragraphs (i) or (ii) of subclause (2) of clause (b), funds shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this section shall annually certify to the attorney general that it is in compliance with this section. The attorney general may bring a civil action on behalf of the commonwealth against any tobacco product manufacturer that fails to place into escrow the funds required under this section.

(4) Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

(i) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this section, may impose a civil penalty to be paid to the general fund of the commonwealth in an amount not to exceed 5 per cent of the amount improperly withheld from escrow per day of the violation, and in a total amount not to exceed 100 per cent of the original amount improperly withheld from escrow;

(ii) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this section, may impose a civil penalty to be paid to the general fund of the commonwealth in an amount not to exceed 15 per cent of the amount improperly withheld from escrow per day of the violation, and in a total amount not to exceed 300 per cent of the original amount improperly withheld from escrow; and

(iii) in the case of a second, knowing violation, be prohibited from selling cigarettes to consumers within the commonwealth, whether directly or through a distributor, retailer or similar intermediary, for a period not to exceed two years.

Each failure to make an annual deposit required under this section shall constitute a separate violation.

**SECTION 3.** Section 2 of chapter 94E of the General Laws, as appearing in section 2 of this act, shall apply to a tobacco product manufacturer selling cigarettes to consumers within the commonwealth only after the effective date of this act.

**SECTION 4.** Paragraph (i) of subclause (1) of clause (b) of section 2 of chapter 94E of the General Laws shall apply to units sold only after the effective date of this act.

Approved June 29, 2000.

## **Chapter 118. AN ACT RELATIVE TO THE TRANSFER OF LAND IN THE TOWN OF RUSSELL.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of Russell, acting through its board of selectmen, may transfer the care and custody of two areas of park land located within Strathmore Park, known as "Water Supply System Parcel" and "Zone 1", to the board of water commissioners

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of the town for the purpose of constructing, operating and maintaining a drinking water supply well for the town.

**SECTION 2.** The board of selectmen of the town of Russell may dedicate 14 acres of land, conveyed by Stanley and Marina Ciech on June 23, 1986 to the town, for park and conservation purposes. Said board of selectmen shall retain care and custody of the land.

Approved June 30, 2000.

## Chapter 119. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF TRURO.

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection 1-4-4 of section 4 of chapter 1 of the charter of the town of Truro, which is on file in the office of the archivist of the commonwealth under the provisions of section 12 of chapter 43B of the General Laws, is hereby amended by adding the following sentence:- If any provision of this charter is not enforced in any instance for whatever reason, it shall not be construed as a reason for nor a precedent set to avoid or prevent subsequent enforcement of such provision.

**SECTION 2.** Section 1 of chapter 2 of said charter is hereby amended by striking out subsections 2-1-3 and 2-1-4 and inserting in place thereof the following two subsections:-

2-1-3 A special town meeting shall be held at the call of the board of selectmen; or, upon petition on an approved form signed by 200 of the registered voters of the town, the board of selectmen shall call a special town meeting to be held within 45 days.

2-1-4 A quorum for town meeting shall be 100 registered voters as listed at the close of the registration period for town meeting. If a quorum is not reached, the moderator shall adjourn the meeting to a stated date, time, and place which shall be within seven days.

**SECTION 3.** Subsection 2-2-4 of section 2 of said chapter 2 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The moderator shall appoint a finance committee in accordance with the provisions of chapter 6.

**SECTION 4.** Said section 2 of said chapter 2 is hereby further amended by striking out subsection 2-2-5.

**SECTION 5.** Said chapter 2 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3 - The Warrant

2-3-1 The warrant for the town meeting shall be prepared by the board of selectmen and shall incorporate the appropriate recommendations in accordance with sections 2-3-7 and 2-3-9 of this charter.

2-3-2 The warrant for annual town meeting shall include all articles submitted by duly elected and appointed multi-member bodies; the warrant for a special town meeting may

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include such articles. All town meeting articles petitioned by registered voters shall be submitted in accordance with sections 2-3-3 and 2-3-4 of this charter.

2-3-3 A petition on an approved form and signed by ten registered voters of the town shall secure inclusion of an article in the warrant of the annual town meeting. A petition on an approved form and signed by 100 registered voters of the town shall secure inclusion of an article in the warrant of a special town meeting. Sufficient guidance shall be provided by the board of selectmen to the petitioners to ensure that the petitioned article is in the proper form to secure inclusion in the warrant.

2-3-4 The warrant shall be opened for submission of articles 90 days before the date of the annual town meeting and shall remain open for 30 days. The warrant for a special town meeting shall be opened and closed as determined by the board of selectmen, except the period between opening and closing the warrant shall not be less than seven days.

2-3-5 The board of selectmen shall ensure that the warrant is posted and sufficient copies are available at least 14 days before the date of a town meeting. Posting shall be made by the constable in town hall, the United States post offices, and two other public places in Truro and two other public places in North Truro. The warrant shall be made available to the voters at town hall, the Central school, the public library, the transfer station and any other locations deemed appropriate by the board of selectmen.

2-3-6 In the annual town meeting warrant, the proposed operating budget shall be presented in a single article placed before any other article involving the appropriation, transfer or borrowing of funds. This article shall be followed directly by an article, or series of articles, involving proposed capital expenditures and related matters. These articles shall be followed immediately by any other articles involving the appropriation, transfer or borrowing of funds. In a special town meeting warrant the board of selectmen shall determine the order of all articles.

2-3-7 The finance committee shall state in the warrant or at town meeting its recommendation and recorded vote for any article calling for the appropriation, transfer, or borrowing of funds before it shall be acted upon by the town meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon with the approval, by two-thirds vote, of the town meeting, unless otherwise provided by the General Laws. The recommendation required by this section shall be made in accordance with section 7-1-5 of this charter.

2-3-8 Any article sponsored by a multi-member body shall state in the warrant the sponsor's recommendation and recorded vote before it shall be acted upon by the town meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon only with the approval, by two-thirds vote, of the town meeting, unless otherwise provided by the General Laws.

**SECTION 5A.** Subsection 3-2-1 of section 2 of chapter 3 of said charter is hereby amended by striking out, in line 2, the word "third" and inserting in place thereof the following word:- second.



**SECTION 5B.** Said section 2 of said chapter 3 is hereby further amended by striking out "subsection 3-2-3" and inserting in place thereof the following subsection:-

3-2-3 Only registered voters of the town shall be eligible for any elected office or elected multi-member body of the town.

**SECTION 6.** Subsection 4-2-2 of section 2 of chapter 4 of said charter is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- The board shall cause a current reference copy to be available to the public in the office of the town clerk. A file containing the board of selectmen's current policies and goals shall be readily available at town hall for public reference.

**SECTION 7.** Said section 2 of said chapter 4 is hereby further amended by striking out subsection 4-2-4 and inserting in place thereof the following subsection:-

4-2-4 The board of selectmen shall cause to be compiled and published an annual town report for each calendar year; such report shall be available at least 14 days before the next annual town meeting; it shall include reports from all elected and appointed town officials, department heads and multi-member bodies. The moderator shall be excepted from submitting a report.

**SECTION 8.** Subsection 4-2-6 of said section 2 of said chapter 4 is hereby further amended by striking out, in lines 1 and 2, the words "except for properties of the town's board of library trustees" and inserting in place thereof the following words:- unless otherwise provided by the General Laws.

**SECTION 9.** Subsection 4-2-7 of said section 2 of said chapter 4 is hereby amended by adding the following sentence:- The exception is where contracts are funded within the school budget, such contracts shall be signed by the superintendent of schools or the school committee, whichever is appropriate in accordance with the General Laws.

**SECTION 10.** Subsection 4-2-9 of said section 2 of said chapter 4 is hereby amended by inserting after the words "issues licenses", in the last line, the following words:- , with the exception of public health licenses issued by the board of health or unless otherwise provided by the General Laws.

**SECTION 11.** Subsection 4-2-10 of said section 2 of said chapter 4 is hereby amended by inserting after the word "town", in line 1, the following words:- unless otherwise provided by the General Laws.

**SECTION 12.** Said section 2 of said chapter 4 is hereby further amended by striking out subsection 4-2-11 and inserting in place thereof the following subsection:-

4-2-11 The board of selectmen shall annually, during the month of June, hold a meeting for the purpose of stating the board's goals for the coming fiscal year. The board will revisit its goals for the year concluding and review its accomplishments relative to those goals. This presentation is to be followed by a question and answer session led by the town moderator. All town officials, department heads and chairpersons of multi-member bodies shall attend. The meeting and its agenda shall be advertised in one or more local papers and the general public shall be invited.

**SECTION 13.** Subsection 4-3-1 of section 3 of said chapter 4 is hereby amended by striking out, in line 7, the word "constable" and inserting in place thereof the following word:- constables.

**SECTION 14.** Subsection 4-3-2 of said section 3 of said chapter 4 is hereby amended by striking out the figures "2-2-5, 6-4-3A and 6-4-3B" and inserting in place thereof the following figures:- 6-4-3.

**SECTION 15.** Subsection 4-4-1 of section 4 of said chapter 4 is hereby amended by striking out, in line 4, the word "object" and inserting in place thereof the following word:- subject.

**SECTION 16.** Subsection 4-5-2 of section 5 of said chapter 4 is hereby amended by inserting after the word "employee", in the last line, the following words:- , the single exception being the administrative secretary who reports both to the town administrator and the board of selectmen.

**SECTION 17.** Subsection 4-5-3 of said section 5 of said chapter 4 is hereby amended by striking out, in line 2, the following "4-2-11 and".

**SECTION 18.** Section 1 of chapter 5 of said charter is hereby amended by striking out subsection 5-1-1 and inserting in place thereof the following subsection:-

5-1-1 The board of selectmen shall, by an affirmative vote of at least four of its five members appoint a town administrator whose terms of employment shall be set by negotiated employment contract.

**SECTION 19.** Said section 1 of said chapter 5 is hereby further amended by striking out subsection 5-1-2.

**SECTION 20.** Subsection 5-1-3 of said section 1 of said chapter 5 is hereby amended by striking out, in line 2, the word "management" and inserting in place thereof the following words:- County Management Association (ICMA).

**SECTION 21.** Subsection 5-2-2 of section 2 of said chapter 5 is hereby amended by adding the following sentence:- This educational qualification may be waived by a 4-1 vote of the board of selectmen.

**SECTION 22.** Subsection 5-2-3 of said section 2 of said chapter 5 is hereby amended by adding the following sentence:- If the minimum educational qualification required by subsection 5-2-2 is waived by the board of selectmen, the professional qualification shall include at least nine years compensated service in public administration with at least six at a managerial level.

**SECTION 23.** Subsection 5-3-1 of section 3 of said chapter 5 is hereby amended by striking out, in lines 3 and 4, the words "except those employees of the town's board of library trustees" and inserting in place thereof the following words:- unless otherwise provided by the General Laws.

**SECTION 24.** Clause (g) of subsection 5-3-3 of said section 3 of said chapter 5 is hereby amended by striking out, in line 2, the words "for those of the school department" and inserting in place thereof the following words:- that the school superintendent will be

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designated as the procurement officer for all supplies and services purchased for the school department.

**SECTION 25.** Clause (h) of said subsection 5-3-3 of said section 3 of said chapter 5 is hereby amended by striking out, in lines 2 and 3, the words "except in accordance with subsection 4-2-11 of this charter".

**SECTION 26.** Clause (j) of said subsection 5-3-3 of said section 3 of said chapter 5 is hereby amended by striking out, in line 1, the word "annually" and inserting in place thereof the following words:- and maintain.

**SECTION 27.** Subsection 5-4-2 of section 4 of said chapter 5 is hereby amended by striking out, in line 2, the words "sections 5-4-5 and" and inserting in place thereof the following word:- section.

**SECTION 28.** Said subsection 5-4-2 of said section 4 of said chapter 5 is hereby further amended by adding the following words:- council on aging director.

**SECTION 29.** Said section 4 of said chapter 5 is hereby further amended by striking out subsection 5-4-5 and inserting in place thereof the following subsection:-

5-4-5 All appointments for regular full-time and regular part-time employees made by the town administrator shall be subject to disapproval by a majority vote of the board of selectmen, provided that such a vote is taken prior to the date of the appointment.

**SECTION 30.** Subsection 5-5-1 of section 5 of said chapter 5 is hereby amended by inserting after the word "shall", in line 1, the following words:- , in conjunction with the board of selectmen,.

**SECTION 31.** Subsection 5-5-2 of said section 5 of said chapter 5 is hereby amended by striking out, in line 1, the words "the personnel board" and inserting in place thereof the following words:- the board of selectmen.

**SECTION 32.** Subsection 5-5-3 of said section 5 of said chapter 5 is hereby amended by striking out, in line 1, the words "conjunction with the personnel board" and inserting in place thereof the following words:- consultation with the board of selectmen.

**SECTION 33.** Said subsection 5-5-3 of said section 5 of said chapter 5 is hereby further amended by striking out, in line 5, the words "in conjunction with the personnel board".

**SECTION 34.** Subsection 5-5-4 of said section 5 of said chapter 5 is hereby amended by striking out, in lines 4 and 5, the words "shall require a recommendation by the personnel board, and".

**SECTION 35.** Subsection 5-6-1 of section 6 of said chapter 5 is hereby amended by adding the following sentence:- The board may appoint a screening committee to assist them in the search and hiring process.

**SECTION 36.** Subsection 5-6-3 of said section 6 of said chapter 5 is hereby amended by striking out, in line 2, the words ", in accordance with section 4-5-2 of this charter".

**SECTION 37.** Said section 6 of said chapter 5 is hereby further amended by striking out subsection 5-6-4 and inserting in place thereof the following subsection:-

5-6-4 Compensation for the acting town administrator shall be determined by the board of selectmen.

**SECTION 38.** Said chapter 5 is hereby further amended by striking out section 7.

**SECTION 39.** Subsection 6-1-1 of section 1 of chapter 6 of said charter is hereby amended by inserting after the words "delegated by", in line 3, the following words:- the board of selectmen,.

**SECTION 40.** Said section 1 of said chapter 6 is hereby further amended by adding the following subsection:-

6-1-2 Any appointed multi-member body whose powers or purpose are not clearly defined under the constitution and the General Laws of the commonwealth, this charter, by-law or vote of town meeting shall have a written charge by the board of selectmen to define such powers and purpose provided such charge is consistent with the intent for which the multi-member body was created.

**SECTION 41.** Subsection 6-2-5 of section 2 of said chapter 6 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The board of selectmen or town meeting may increase or decrease the number of members to serve on multi-member bodies, unless such number is otherwise established by the General Laws or this charter.

**SECTION 42.** Said section 2 of said chapter 6 is hereby further amended by striking out subsection 6-2-7.

**SECTION 43.** Subsection 6-2-9 of said section 2 of said chapter 6 is hereby amended by striking out, in lines 1 and 2, the words ", and for one year following the expiration of such term".

**SECTION 44.** Said section 2 of said chapter 6 is hereby further amended by striking out subsection 6-2-11 and inserting in place thereof the following subsection:-

6-2-11 The board of selectmen may appoint any two of their members as ex-officio members without a vote, to any multi-member body unless prohibited by the General Laws.

**SECTION 44A.** Said chapter 6 is hereby further amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:-

*Section 3 - Elected Multi-member Bodies*

6-3-1 The multi-member bodies listed in appendix B part 1 shall be elected in accordance with subsections 3-2-3 and 6-2-6 of this charter.

*Section 4 - Appointed Multi-member Bodies*

6-4-1 All appointed multi-member bodies which exist as of the effective date of this charter review shall continue to exist and shall be subject to section 2 of this charter.

6-4-2 The multi-member bodies listed in appendix B part 2 shall be appointed by the board of selectmen in accordance with sections 4-3-2 and 6-2-6 of this charter.



6-4-3 The moderator shall in accordance with sections 2-2-4 and 6-2-6 of this charter appoint a finance committee of five members who shall be voters and shall not hold elected office nor be a candidate for elected office in the town of Truro.

6-4-4 The town meeting or the board of selectmen may from time to time establish other multi-member bodies for particular purposes. The appointment of ad hoc committees by the board of selectmen shall be made only for specific and immediate purposes, and any such committee shall be appointed for a definite period of time, not to exceed two years. Should the particular purpose for which an ad hoc committee was created not be resolved at the expiration of the two-year appointment, such committee may be reappointed for an additional one-year period.

6-4-5 Any multi-member body created by town meeting shall continue to exist until dissolved by vote of the town meeting, unless the vote creating such body provides for a definite time of dissolution.

6-4-6 Any multi-member body created by the board of selectmen, except those ad hoc committees as may be appointed in accordance with section 6-4-4 of this charter, shall continue to exist until dissolved by the board of selectmen, unless the vote creating such body provides for a definite time of dissolution.

6-4-7 The absence of a member or alternate member for four consecutive meetings of an appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The chairman of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with section 6-2-10 of this charter and the appointee shall complete the vacant unexpired term.

**SECTION 45.** Clause (a) of subsection 7-1-2 of section 1 of chapter 7 of said charter is hereby amended by inserting after the word "government", in line 1, the following words:-, including the draft school budget,.

**SECTION 46.** Said subsection 7-1-2 of said section 1 of said chapter 7 is hereby further amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) The draft budget document for the ensuing year shall:-

(1) include a financial summary listing all proposed expenditures, show the tax levy limit, disclose the source of any additional-revenues, and itemize the town's reserves;

(2) explain the budget in terms of service changes or major expenditure changes and outline the reasons for such changes;

(3) indicate any major changes from the current fiscal year in financial policies together with the reasons for such changes;

(4) summarize the town's debt position and projections;

(5) include such other material deemed to be appropriate.

**SECTION 47.** Said section 1 of said chapter 7 is hereby further amended by striking out subsection 7-1-3 and inserting in place thereof the following subsection:-

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7-1-3 On or before January 15 of each year, the board of selectmen shall submit to the finance committee proposed budgets for the ensuing fiscal year, including the school budget, as submitted by the school committee, and these proposals which shall include a budget summary as outlined in subsection 7-1-2 and recommendations.

**SECTION 48.** Said section 1 of said chapter 7 is hereby further amended by striking out subsection 7-1-5 and inserting in place thereof the following subsection:-

7-1-5 At least 14 days prior to the annual town meeting, the finance committee shall issue in printed form its recommendations and explanations. Copies of the printed recommendations and explanations shall be available in accordance with subsection 2-3-5 of this charter.

**SECTION 49.** Subclause (1) of clause (b) of subsection 7-2-1 of section 2 of said chapter 7 is hereby amended by inserting after the word "new", in line 1, the following word:- land,.

**SECTION 50.** Said section 2 of said chapter 7 is hereby further amended by striking out subsection 7-2-6 and inserting in place thereof the following subsection:-

7-2-6 The board of selectmen shall make available a printed copy of the proposed five year capital plan to all voters at the annual town meeting.

**SECTION 51.** Subsection 7-3-1 of section 3 of said chapter 7 is hereby amended by striking out, in line 1, the word "administrator" and inserting in place thereof the following words:- treasurer/collector.

**SECTION 52.** Subsection 7-5-2 of section 5 of said chapter 7 is hereby amended by striking out, in line 2, the words ", and a summary thereof shall be printed in the next annual town report".

**SECTION 53.** Subsection 8-1-1 of section 1 of chapter 8 of said charter is hereby amended by striking out, in line 2, the figures 3-3-1 and inserting in place thereof the following figures:- 3-4-1.

**SECTION 53A.** Subsection 8-3-2 of section 3 of said chapter 8 is hereby amended by striking out, in line 2, the word "contermious" and inserting in place thereof the following word:- conterminous.

**SECTION 54.** Said section 8-3-2 of said section 3 of said chapter 8 is hereby further amended by striking out clause (a) and inserting in place thereof the following clause:-

(a) Written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered by hand, or by certified mail, addressee only, return receipt requested, to the last known address of the person sought to be removed.

**SECTION 55.** Clause (b) of said subsection 8-3-2 of said section 3 of said chapter 8 is hereby amended by striking out, in lines 2 and 6, the words "personnel board" and inserting in place thereof, in each instance, the following words:- board of selectmen.

**SECTION 56.** Said clause (b) of said subsection 8-3-2 of said section 3 of said chapter 8 is hereby further amended by striking out the last sentence.

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**SECTION 57.** Said subsection 8-3-2 of said section 3 of said chapter 8 is hereby further amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) Within ten days of the hearing, the board of selectmen shall make a decision to either remove or reinstate the individual and so notify the person of its action. A record of the hearing and the action taken shall be made by the board of selectmen.

**SECTION 58.** Subsection 8-4-2 of section 4 of said chapter 8 is hereby amended by striking out, in line 4, the word "registered" and inserting in place thereof the following word:- certified.

**SECTION 59.** The last sentence of subsection 8-4-6 of said section 4 of said chapter 8 is hereby amended by inserting after the words "place of which shall" the following word:- be.

**SECTION 60.** Section 1 of chapter 9 of said charter is hereby amended by striking out subsections 9-1-1, 9-1-3 and 9-1-4.

**SECTION 61.** Sections 5, 6 and 7 of said chapter 9 are hereby repealed.

**SECTION 62.** Section 8 of said chapter 9 is hereby amended by striking out subsections 9-8-1 to 9-8-4, inclusive.

**SECTION 63.** Said chapter 9 is hereby further amended by striking out Appendix B - Organizational Chart and inserting in place thereof the following appendix:

*Appendix B - Elected and appointed boards: Organizational Chart*

Part 1. Elected positions in accordance with the General Laws and section 6-3-1 of this Charter.

Voters elect:

A Moderator.

A Board of Selectmen of five members.

A School Committee of five members.

A Planning Board of seven members.

A Board of Library Trustees of five members, notwithstanding the provisions of section 10 of chapter 78 of the General Laws.

A Housing Authority of four members in accordance with the General Laws.

A fifth member of the Housing Authority shall be appointed by the commonwealth.

A Cemetery Commission of three members.

Part 2. Appointed positions in accordance with the General Laws and section 6-4-2 of this Charter.

The School Committee appoints a School Superintendent who appoints the School Personnel.

The Moderator appoints the Finance Committee.

The Board of Selectmen appoints the Town Administrator, Town Counsel and Public Safety Personnel:

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Police Chief and Officers

Board of Fire Engineers

Constables

Civil Defense Director

And the following multi-member bodies:

*Selectmen-Appointed Multi-Member Bodies*

Board of Health

Water Resources Advisory Committee

Recycling Committee

Conservation Commission

Beach Point Erosion Committee

Zoning Board of Appeals

Town Building Committee

Housing Partnership

Historical Review Board

Commission on Disabilities

Cable Advisory Committee

Local Comprehensive Plan Steering Committee

Town Employee Insurance Advisory Committee

Other Multi-Member Bodies

Regional Delegates

Other Inter-Governmental Representatives

Council on Aging

Board of Assessors

Beach Commission

Golf Course Advisory Commission

Pamet Harbor Commission

Recreation Commission

Truro Cultural Council

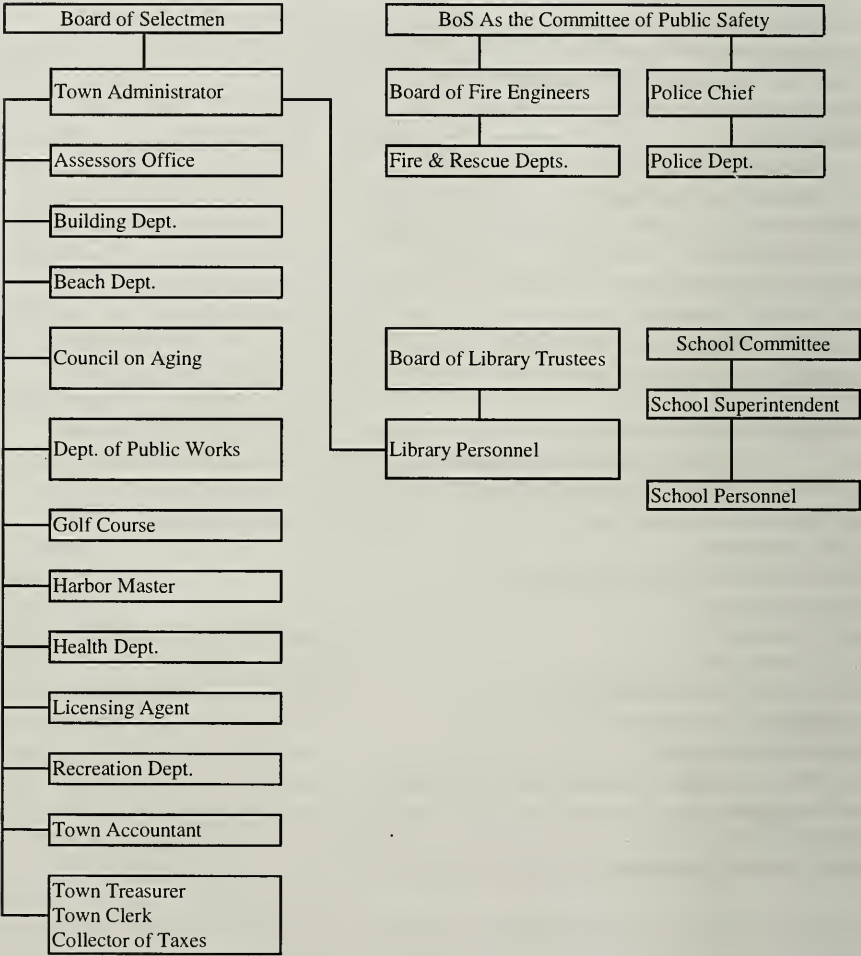
Truro Partnership

Historical Commission

Human Services Committee



Appendix B - Part 3 Departmental Chart



**SECTION 64.** Section 9 of said chapter 9 is hereby amended by striking out subsections 9-9-1 and 9-9-2.

Approved June 30, 2000.

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**Chapter 120. AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO CONVEY AN EASEMENT IN CERTAIN CONSERVATION LAND.**

*Be it enacted, etc., as follows:*

The conservation commission of the town of Chelmsford may grant an easement in certain conservation land under their care, custody and control to the town of Chelmsford for the construction and maintenance of sewers, pumping stations and all other appurtenances thereto. The easements are shown on a plan of land entitled "Plan of Sewer Easement in Chelmsford, Massachusetts Crooked Spring Road Area - Phase 4B Sewers, dated October, 1999" prepared by Richard F. Kaminski & Associates which is on file in the office of the town engineers.

Approved June 30, 2000.

**Chapter 121. AN ACT ESTABLISHING AN AGRICULTURAL PRESERVATION TRUST FUND IN THE TOWN OF DARTMOUTH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the town of Dartmouth an Agricultural Preservation Trust Fund for the purpose of preserving existing productive agricultural lands and supporting and revitalizing the agricultural industry of the town. The trust fund account shall be maintained as a separate account by the town treasurer. All receipts, revenues, gifts and funds from all activities of the town of Dartmouth Agricultural Preservation Trust Council, hereinafter called the council, shall be deposited in the account. The treasurer may invest the funds in said account in the manner authorized by sections 54 and 55 of chapter 44 of the General Laws. Any interest earned therein shall be credited to and become a part of the separate account.

**SECTION 2.** The council as established by Dartmouth town meeting shall submit its recommendations for acquisitions and appropriation to the board of selectmen and the finance committee for their consideration, recommendation and approval. Upon receipt of such approval, the council shall have the following powers and duties in carrying out the purposes of the fund:

- (a) to purchase development rights to preserve the agricultural use of existing agricultural lands;
- (b) to exercise the town's right of first refusal under chapter 61A of the General Laws;
- (c) to foster and promote activities that are in the interest of preserving agricultural land and revitalizing the agricultural industry in the town of Dartmouth; and
- (d) to enter into agreements for the purposes set out herein which may include the payment of funds for consideration in support of those agreements; but any agreements and payments shall be subject to and contingent upon the approval of the board of selectmen and

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## **Chap. 121**

the finance committee.

**SECTION 3.** In exercising its powers and duties the council, with the approval of the board of selectmen and the finance committee, shall have the powers as set out under section 8C of chapter 40 of the General Laws with respect to the acquisition of land and buildings, the acquisition of interests in land and the expenditures of funds.

**SECTION 4.** If the council determines that land or interest in land are no longer in use or preserved for agricultural purposes, such land or interest in land shall be transferred to conservation purposes as if acquired by the conservation commission in the same manner as set out in section 8C of chapter 40 of the General Laws.

**SECTION 5.** Any further appropriation by town meeting for the council for the purposes set out herein shall be by two-thirds vote.

Approved June 30, 2000.

## **Chapter 122. AN ACT RELATIVE TO THE WHITTIER REGIONAL SCHOOL DISTRICT COMMITTEE.**

*Be it enacted, etc., as follows:*

Section 7 of chapter 156 of the acts of 1967 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The powers, duties and liabilities of the regional school district shall be vested in and exercised by a regional district school committee, which shall consist of two members from each city and one member from each town located in the regional school district, and which shall otherwise be organized in accordance with the agreement.

Approved June 30, 2000.

## **Chapter 123. AN ACT RELATIVE TO THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Nothing in this act is intended, nor should it be construed, either (1) to afford rights to any public employee greater than those afforded by the federal Older Workers Benefit Protection Act, P.L. 101-433, 104 Stat. 978, as amended; or (2) to deprive any person of a benefit to which such person was entitled immediately before the effective date of this act.

**SECTION 2.** Section 1 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definition of "Maximum age" and inserting in place thereof the following definition:-

"Maximum age", the age on the last day of the month in which any member classified in *Group 3*, as provided for in paragraph (g) of subdivision (2) of section 3, attains age 55, or if classified in any of the following occupations or position classifications, for which the personnel administrator has determined, pursuant to section 2 of chapter 415 of the acts of 1987, that age is a bona fide occupational qualification, the last day of the month that a member in any such occupation or position classifications attains age 65: a uniformed member of a paid fire department or uniformed member of a police department, or of the police force of the Massachusetts Bay Transportation Authority, or a member of the uniformed branch of the department of fisheries and wildlife as determined by the personnel administrator, or a correctional officer or a permanent crash crewman, crash boatman, fire control man, or assistant fire control man employed at the General Edward Lawrence Logan International Airport.

**SECTION 3.** Section 3 of said chapter 32 as so appearing, is hereby amended by striking out, in line 58, the words ", while under age sixty-five,".

**SECTION 4.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 75, the words ", if under age sixty-five on the date of his appointment,".

**SECTION 5.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 83 and 84, the words ", if under age sixty-five on the date of his election,".

**SECTION 6.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 112, the words "before attaining age sixty".

**SECTION 7.** Paragraph (a) of subdivision (2) of said section 3 of said chapter 32, as so appearing, is hereby amended by striking out subparagraphs (xii) and (xiii).

**SECTION 7A.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 222, the words "if then under sixty years of age".

**SECTION 8.** Said subdivision (2) of said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (e).

**SECTION 9.** Said subdivision (2) of said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (f) and inserting in place thereof the following paragraph:-

(f) Any employee who was not eligible for membership because of originally entering the service of any governmental unit after attaining age 60 but before attaining age 65, may apply for and be admitted upon the terms and conditions set forth in subdivisions (3) and (3A).

**SECTION 9A.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 291 to 293, inclusive, the words "; provided, that no member who attains age sixty-five while classified in *Group 1* may thereafter be classified in *Group 2*, irrespective of change of employment".



**SECTION 10.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 601 to 603, inclusive, the words "; provided, that he is under the maximum age for his group on the date of such reinstatement or re-entry".

**SECTION 11.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 608, the words "if under the maximum age for his group".

**SECTION 12.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 613, the words "Notwithstanding the provisions of section twenty-eight F, no" and inserting in place thereof the following word:- No.

**SECTION 13.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 623 to 625, the words ", but not less than two years prior to the date he will attain the maximum age for his group,".

**SECTION 14.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 791 and 792, the words ", and that he is under the maximum age for his group on the date of such new employment".

**SECTION 15.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 810 to 812, inclusive, the words ", and that the date of commencement of his new employment is not less than two years prior to the date he will attain the maximum age for his group".

**SECTION 16.** Paragraph (a) of subdivision (1) of section 5 of said chapter 32, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- Any member in service who has attained maximum age as defined in section 1 shall be so retired for superannuation upon attaining such age or shall be retired within 90 days after the date the system becomes operative if such maximum age was attained prior thereto or is attained within 90 days thereafter.

**SECTION 17.** Said subdivision (1) of said section 5 of said chapter 32, as so appearing, is hereby further amended by striking out paragraphs (c) and (d).

**SECTION 18.** Said subdivision (1) of said section 5 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (f).

**SECTION 19.** Said subdivision (1) of said section 5 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (h).

**SECTION 20.** Said subdivision (1) of said section 5 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (k).

**SECTION 21.** Said section 5 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 182 and 183, the words "before attaining the mandatory age requirements of this chapter".

**SECTION 22.** Section 6 of said chapter 32, so appearing, is hereby amended by striking out, in line 3 and in lines 11 and 12, the words "before attaining age fifty-five and".

**SECTION 23.** Said section 6 of said chapter 32, as so appearing, is hereby further amended by inserting after the word "disability", in line 59, the following words:- ; provided, however, that if he has attained age fifty-five, the normal yearly amount of such allowance

shall in no event be less than that to which he would be entitled if he were to be retired for superannuation under the provisions of section 5 as prescribed for a member in his group; and provided, further, that the normal yearly amount of such allowance shall not exceed four-fifths of: (i) the average annual rate of his regular compensation during any period of three consecutive years of creditable service for which such rate of compensation was the highest, and (ii) the average annual rate of regular compensation received by such member during the period or periods, whether or not consecutive, constituting his last three years of creditable service preceding retirement, whichever is greater.

**SECTION 23A.** Subdivision (1) of section 7 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 32 to 36, inclusive, the words "No such retirement shall be allowed within any period of two years prior to attaining the maximum age on account of any accident or hazard undergone except for an accident or hazard undergone within three years of attaining such maximum age".

**SECTION 24.** Subdivision (2) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b½).

**SECTION 24A.** Section 10 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", before attaining age fifty-five, and".

**SECTION 24B.** Said section 10 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 50 and 51, the words "before attaining age fifty-five,".

**SECTION 24C.** Said section 10 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 72 and 73 and in lines 92 and 93, the words ", before attaining age fifty-five,".

**SECTION 24D.** Said section 10 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 141 and 142, the words "who has not attained age fifty-five and".

**SECTION 24E.** Subdivision (4) of said section 10 of said chapter 32, as so appearing, is hereby amended by striking out the last sentence.

**SECTION 25.** Sections 90F, 90G and 90G½ of said chapter 32 are hereby repealed.

**SECTION 26.** Section 90G of said chapter 32, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words "section ninety F, ninety G, or ninety H or any other" and inserting in place thereof the following word:- any.

**SECTION 27.** Said section 90G of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 25 and 26, the words "pursuant to said section ninety F, ninety G, or ninety H".

**SECTION 28.** Sections 90H and 90I of said chapter 32 are hereby repealed.

Approved June 30, 2000.

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**Chapter 124. AN ACT VALIDATING THE ACTIONS TAKEN AT THE 2000 ANNUAL TOWN ELECTION OF THE TOWN OF TYNGSBOROUGH.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the acts and proceedings taken by the town of Tyngsborough at its annual town election held on May 9, 2000, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed notwithstanding any defect or omission in the warrant for such election.

**SECTION 2.** This act shall take effect upon its passage.

Approved June 30, 2000.

**Chapter 125. AN ACT PROVIDING FOR AN ACCELERATED TRANSPORTATION DEVELOPMENT AND IMPROVEMENT PROGRAM FOR THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for an accelerated transportation development and improvement program for the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for a program of transportation development and improvements, the sums set forth in section 2, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and approval thereof.

**SECTION 2.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Massachusetts Bay Transportation Authority.*

6005-9906 For capital expenditures of the authority, including obligation amounts of the authority, supported by contract assistance from the commonwealth through the period to and including June 30, 2000 prior to the establishment of stand-alone credit, so-called, that will support capital expenditures made by the authority after said date; provided, that the amount authorized herein shall be available for: the costs of previously authorized projects for which prior capital authorizations are

insufficient, the costs of new projects undertaken by the authority pursuant to its program of mass transportation, the costs of projects specifically enumerated herein, the costs of complying with the requirements of state and federal law including, but not limited to, station renovation projects required by the Americans with Disabilities Act, and the costs of meeting the requirements of lawful agreements of the authority including, but not limited to, central artery mitigation, so-called; provided further, that funds may be expended from the amount authorized herein for the renovations and modernization of North Station; provided further, that funds may be expended from the amount authorized herein for the Greenbush line of the Old Colony commuter rail project; provided further, that funds may be expended from the amount authorized herein for the design, permitting, construction and other associated costs related to the requirements of the New Bedford/Fall River commuter rail project; provided further, that funds may be expended from the amount authorized herein for the purchase and installation of automated fare collection equipment; provided further, that funds may be expended from the amount authorized herein for the renovation of the Charles Street/Massachusetts General Hospital station on the red line, so-called, including restoration and replacement of fencing that encloses parcels adjacent to the tunnel portal between said station and Park street station; provided further, that funds may be expended from the amount authorized herein for the modernization and extension of the blue line, so-called; provided further, that funds may be expended from the amount authorized herein for completion of the Framingham to Worcester commuter rail extension project; provided further, that funds may be expended from the amount authorized herein for construction, rehabilitation and expansion of transit infrastructure, including shops and carhouses, commuter rail improvements, subway structural and ventilation improvements, systemwide track, power and bridge improvements, station expansion, modernization and rehabilitation, plant and facility improvements and material and equipment procurement; provided further, that funds may be expended from the amount authorized herein for the purchase, long-term lease and rehabilitation of buses, light



and heavy rail vehicles and commuter rail rolling stock; provided further, that funds may be expended from the amount authorized herein for the design, renovation and reconstruction of the Ashmont, Fields Corner, Savin Hill and Shawmut stations on said red line and seven Mattapan high speed trolley line stations; provided further, that funds may be expended from the amount authorized herein for the relocation of the layover facility on the Haverhill commuter rail line located in the Bradford area of the city of Haverhill; provided further, that funds may be expended from the amount authorized herein for improvements and reconstruction of the commuter rail station and rail facility in the city of Gloucester; provided further, that funds may be expended from the amount authorized herein for noise mitigation, including costs associated with noise mitigation along the Massachusetts Bay Transportation Authority and commuter rail lines in the city of Quincy and the town of Braintree; provided further, that funds may be expended from the amount authorized herein to conduct a study examining pedestrian access to the Massachusetts Bay Transportation Authority Station from South Braintree square in the town of Braintree, to conduct a feasibility study regarding the reestablishment of the commuter rail line to the cities of Gardner and Athol on the existing Fitchburg/Gardner/Athol spur line, to conduct a feasibility study of providing additional rail service from Haverhill to Reading, to conduct a feasibility study of constructing a commuter parking garage in the downtown section of the town of Framingham and to conduct a feasibility study concerning the extension of commuter rail service from the city of Lawrence to the city known as the town of Methuen; provided further, that the studies shall be filed with the joint committee on transportation and the house and senate committees on ways and means not later than 160 days after the effective date of this act; provided further, that any amount not expended or obligated from the sum authorized herein shall cease to be available for expenditure after June 30, 2000 and any authorization for expenditure made herein after said date shall be obligated from the stand-alone credit of the authority, so-called; provided further, that any unexpended amounts from the authorization made herein shall cease to be effective and shall otherwise be null

and void after June 30, 2000; provided further, that funds may be expended from the amount authorized in this item for the purchase of the capital equipment necessary for the establishment of high speed commuter rail service along the Fitchburg line; and provided further, that funds may be expended from the amount authorized herein for the design, permitting and construction of an extension of the Middleborough commuter rail route to provide service to the towns of Bourne and Wareham ..... \$225,000,000

**SECTION 3.** Section 63 of chapter 10 of the General Laws, added by section 7 of chapter 87 of the acts of 2000 is hereby amended by inserting after the third paragraph the following paragraph:-

The state treasurer may invest any monies held for the credit of the fund in instruments permitted under sections 38, 38A, 38C and 49 of chapter 29 and as follows:

(a) commercial or finance company paper, including both non-interest-bearing discount obligations and interest bearing obligations payable on demand or on a specified date not more than one year after the date of issuance thereof, that is rated in one of the two highest rating classifications by a nationally recognized rating service;

(b) securities bearing interest or sold at a discount that are issued by any corporation incorporated under the laws of the United States or any state thereof and rated in one of the two highest rating classifications by any nationally recognized rating service at the time of such investment or contractual commitment providing for such investment;

(c) units of taxable money market funds which funds are regulated investment companies and seek to maintain a constant net asset value per share and have been rated in one of the two highest rating classifications by a nationally recognized rating service;

(d) investment agreements or guaranteed investment contracts rated, or with any financial institution whose senior long-term debt obligations are rated, or guaranteed by a financial institution whose senior long-term debt obligations are rated, at the time such agreement or contract is entered into, in one of the two highest rating classifications by a nationally recognized rating service; and

(e) investment agreements with a corporation whose principal business is to enter into such agreements if: (a) such corporation and the investment agreements of such corporation are each rated in one of the two highest rating classifications by a nationally recognized rating service; and (b) the commonwealth has an option to terminate each agreement in the event that such rating is downgraded below such two highest rating classifications.

**SECTION 4.** Section 9 of chapter 161A of the General Laws, as appearing in section 151 of chapter 127 of the acts of 1999, is hereby amended by adding the following paragraph:-

A city or town assessed by the authority that is not receiving paratransit services for the disabled from the authority shall have 50 per cent of the amount it expended in the previous fiscal year for the operation of or membership in a local or regional paratransit ser-

vice credited against its share of the assessment made under this section. The amount credited shall not exceed the total amount of the assessment. The credit shall apply only to services provided to individuals eligible for paratransit services. As used in this paragraph, "paratransit services" shall mean services provided to individuals with disabilities who, as the result of a physical or mental impairment, including a vision impairment, are unable to board, ride or disembark from a vehicle in the authority's regular transportation system without the assistance of another individual, except the operator of a wheelchair lift or other boarding assistance device.

**SECTION 5.** Said chapter 161A is hereby further amended by adding the following section:-

Section 48. Nothing in this chapter shall be construed to transfer or grant control of transportation services, operations, finances, facilities or related appurtenances of any regional transit authority established pursuant to chapter 161B to the Massachusetts Bay Transportation Authority or otherwise limit the authority granted to such regional transit authority pursuant to said chapter 161B .

**SECTION 6.** Chapter 151 of the acts of 1996 is hereby amended by striking out section 648 and inserting in place thereof the following section:-

*Section 648.* Any grade crossing constructed on the Old Colony Railroad, so-called, shall be guarded by two drop gates on each side of the tracks at those grade crossings where it is operationally feasible and where public safety shall thereby be enhanced. In order to determine which grade crossings on the Middleboro, Plymouth, and Greenbush lines of said railroad are appropriate locations for use of so-called quad gate technology, the Massachusetts Bay Transportation Authority shall conduct a full corridor analysis of all grade crossings and make recommendations as to the appropriate grade crossing technology that should be installed. As part of the analysis, the authority shall conduct appropriate tests of the operational and safety features of quad gates. The tests shall be conducted for a period of time sufficient to fully evaluate a quad gate crossing system. The test shall include at least one operational and functional quad gate technology. A report of the results of the analysis and recommendations shall be submitted to the joint committee on transportation of the general court not later than November 15, 2000.

**SECTION 7.** Chapter 87 of the acts of 2000 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

*Section 3.* To meet a portion of the expenditures necessary in carrying out the provisions of section 2, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount specified by the governor from time to time, but not exceeding, in the aggregate, the sum of \$1,350,000,000, to be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Central Artery/Ted Williams Tunnel Infrastructure Loan Act of 2000, and shall be issued for such maximum term of years, not exceeding 30 years, as the governor may recommend to

the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution, but all such bonds shall be payable not later than June 30, 2031. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund, including without limitation, to the extent secured by all or any portion of special receipts credited to the Infrastructure Fund within the Highway Fund, from said Infrastructure Fund established in section 2 O of chapter 29 of the General Laws. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, but any bonds issued by the state treasurer pursuant to this section may, upon the request of the governor, be issued as either general or special obligations of the commonwealth, as so determined jointly by the state treasurer and the governor. Any bonds issued as special obligations of the commonwealth shall be payable from, with the consent of the governor and state treasurer, fees received by the registrar of motor vehicles pursuant to section 33 of chapter 90 of the General Laws, special receipts credited to the Infrastructure Fund within the Highway Fund, as provided in said section 2 O of said chapter 29 and any other funds credited to the Highway Fund, all in accordance with said section 2 O of said chapter 29. In deciding whether to request the issuance of particular bonds as special obligations, the governor and the state treasurer shall take into account: (i) generally prevailing market conditions; (ii) the impact of each approach on the overall capital financing plans of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by a nationally recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2 O of said chapter 29. The last paragraph of said section 2 O of said chapter 29 shall not apply to any bonds issued pursuant to this section. Bonds issued pursuant to this section shall not be included in the computation of outstanding direct bonds for purposes of the limit imposed by the second paragraph of section 60A of said chapter 29, nor included in the computation of general obligation debt for purposes of the limit imposed by section 60B of said chapter 29. Proceeds from the bonds authorized pursuant to this section and any investment earnings thereon shall be deposited in a subfund of the Central Artery and Statewide Road and Bridge Infrastructure Fund to be established by the state treasurer and shall be made available for expenditure for the purposes of item 6005-2002 of section 2.

Bonds of the commonwealth may be issued under authority of this section in such manner and on such terms and conditions as the state treasurer, with the concurrence of the governor, may determine in accordance with the provisions of this section and, to the extent not inconsistent with the provisions hereof, provisions of the General Laws for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement or other security agreement entered into by the state treasurer, with the concurrence of the governor, on behalf of the commonwealth, which trust agreement or other security agreement may pledge or assign all or any part of the amounts credited from time to time to the Highway Fund, as provided in said section 2 O of said chapter 29, including without limitation, fees received by the registrar of motor vehicles pursuant to section 33 of chapter 90 of the General Laws,



to the extent so determined by the governor and state treasurer, and rights to receive the same, whether existing or coming into existence and whether held or thereafter acquired, and the proceeds thereof. The state treasurer may also, with the concurrence of the governor, enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. A pledge in any such trust or other security agreement or credit enhancement agreement shall be valid and binding from the time such pledge shall be made without any physical delivery or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Any such pledge shall be perfected by the filing of the trust or other security agreement or credit enhancement agreement in the records of the state treasurer and no filing shall be required under chapter 106 of the General Laws. Any such trust agreement, security agreement or credit enhancement agreement may establish provisions defining defaults and establishing remedies and other matters relating to the rights and security of the holders of the bonds or other secured parties as determined by the state treasurer, including provisions relating to the establishment of reserves, the issuance of additional or refunding bonds, whether or not secured on a parity basis, the application of the special receipts and other moneys and funds pledged pursuant to such agreement, in this act referred to as pledged funds, and other matters deemed necessary or desirable by the state treasurer for the security of such bonds, and may also regulate the custody, investment and application of moneys.

In order to increase the marketability of any bonds issued by the commonwealth under authority of this section and in consideration of the acceptance of payments for any such bonds, the commonwealth covenants with the purchasers and all subsequent holders and transferees of any such bonds that until all such bonds, including all bonds issued to refund such bonds and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the meaning of any trust or other security agreement or credit enhancement agreement securing the same: (i) no pledged funds shall be diverted from the Highway Fund; (ii) in any fiscal year of the commonwealth, unless an appropriation has been made which is sufficient to pay the principal, including sinking fund payments, of and interest on all such bonds and to provide for or maintain any reserves, additional security, insurance or other form of credit enhancement required or provided for in any trust or other security agreement or credit enhancement agreement securing any such bonds or notes, no pledged funds shall be applied to any other use; and (iii) if and only to the extent set forth in any trust agreement or other security agreement or credit enhancement agreement securing such bonds, the rates of the fees collected pursuant to said section 33 of said chapter 90 and of the excises imposed in chapters 64A, 64E and 64F of the General Laws and pledged pursuant to this section shall not be reduced below the amounts in effect at the time of issuance of any such bonds, except as may be provided in said trust agreement, security agreement or other credit enhancement agreement.

Any bonds issued under authority of this section and any notes of the commonwealth issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities under chapter 106 of the General Laws, shall be securities in which any public of-

ficer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth.

**SECTION 8.** Section 11 of said chapter 87 after the second sentence the following sentence:- The sums so transferred shall be deposited into separate subfunds of the Central Artery and Statewide Road and Bridge Infrastructure Fund to be established by the state treasurer.

**SECTION 9.** Section 15 of said chapter 87 is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the provisions of any general or special law to the contrary but subject to the terms of any trust or other security agreement or credit enhancement agreement executed in connection with the issuance of bonds pursuant to section 3, not later than July 31 of each fiscal year, commencing July 31, 2001 and ending July 31, 2008, the comptroller shall transfer to the Central Artery and Statewide Road and Bridge Infrastructure Fund the remaining amount, if any, of the fees collected pursuant to clauses (2) and (21) of section 33 of chapter 90 of the General Laws during the preceding fiscal year minus the debt service payable or provided for during such fiscal year on bonds issued pursuant to section 3.

**SECTION 10.** Section 16 of said chapter 87 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any statutorily authorized agency or authority on behalf of whom bonds are paid pursuant to section 14 shall transfer to the state treasurer any amounts otherwise due and payable on an authority debt paid pursuant to said section 14 on the dates that such payments would have been due by the agency or authority.

**SECTION 11.** Notwithstanding section 23 of chapter 161A of the General Laws, the Massachusetts Bay Transportation Authority may issue bonds in an additional amount of \$225,000,000 solely for the purposes of section 2 of this act.

**SECTION 12.** Notwithstanding section 28 of said chapter 161A, the commonwealth may enter into contracts to provide assistance to the Massachusetts Bay Transportation Authority in an additional amount of \$202,500,000 solely for the purposes of section 2 of this act.

**SECTION 13.** Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall take all necessary actions to secure mass transportation assistance which is or may become available to the authority, including but not limited to actions authorized under or in compliance with the provisions of chapter 53 of Title 49 of the United States Code and the Surface Transportation Efficiency Act of 1991, PL 102-240, the Transportation Equity Act for the 21st Century, PL 105-178, and any successor acts or reauthorizations of said acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or ap-

propriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than the authority, such other department, agency or instrumentality shall take such action.

**SECTION 14.** The Massachusetts Bay Transportation Authority shall use an extension of the Stoughton commuter rail route through the municipalities of Stoughton, Easton, Raynham and Taunton in order to provide commuter rail service to New Bedford and Fall River. Notwithstanding the provisions of any general or special law to the contrary, said authority may expend funds, including but not limited to the amounts appropriated in item 6005-9906 of section 2 for the design, permitting and construction of said rail line for the area south of the site known as Cotley Junction.

**SECTION 15.** The Massachusetts Bay Transportation Authority shall develop a proposed mitigation plan to maintain the same per cent valuation of the average property value of like properties in the municipalities of Easton, Taunton and Raynham for property owners in said municipalities whose property abuts the commuter rail line extension to New Bedford and Fall River and is taken for such purpose or is not taken but is adversely affected by the commuter rail line extension and shall submit the same within 90 days after the effective date of this act to the house and senate committees on ways and means and the joint committee on transportation.

**SECTION 16.** Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority may extend or expand commuter rail service on the Providence-Attleboro line, so-called, in accordance with said authority's Pilgrim Partnership Agreement with the state of Rhode Island and may build and operate a layover facility in the city of Pawtucket in the state of Rhode Island. The current layover facility in the city of Attleboro shall be relocated to the city of Pawtucket, as required by section 118 of chapter 205 of the acts of 1996, not later than 30 months after the effective date of this act. The service expansion and facility relocation shall not in any way restrict the selection of a commuter rail service provider.

**SECTION 17.** Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall select one construction project for a pilot program utilizing a design-build, an A + B, an A - B, or a design/build/operate procurement process, but such procurement process shall not require an alternative means of financing unless specifically authorized by the general court, and shall initiate the procurement of a contract for the construction project within three years of the effective date of this act. The pilot project shall not be used for any construction directly related to the Central Artery/Ted Williams Tunnel Project.

The procurement process for the pilot project shall be determined in consultation with the inspector general. The inspector general shall comment in writing on such procurement process and shall submit such comments to the authority, the joint committee on transportation and the house and senate committees on ways and means not less than 30 days before the authority begins the procurement of design and construction services.



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In order to effectuate an open, competitive and fair procurement and an effective contracting process, the authority shall, not less than 45 days prior to the advertisement of the invitation for competitive bids using the procurement process, submit to the inspector general all procedures and criteria developed for the implementation of the alternative method, including a description of the project proposed for the pilot project, the construction bid packages and evaluation criteria. Said inspector general shall submit written comments on the procedures to the authority not less than 30 days prior to the advertisement. The authority shall submit the procedures and criteria and the comments of the inspector general to the joint committee on transportation and the house and senate committees on ways and means at least 15 days prior to the advertisement for any contract to be awarded on the basis of an alternative method. Such procedures and criteria shall be approved by a vote of the authority. Said authority shall submit to said committees a report of the results of such procurement. If the authority awards the contract to other than the lowest responsive bidder, the authority shall submit to said committees and to the inspector general a written justification describing in detail why such award is in the best interest of the authority.

Except as otherwise provided in this act, the procedures to be followed and the terms and conditions of such procurement process shall be determined by the authority in consultation with the inspector general and subject to review by the inspector general as set forth above, including written procedures for the selection of construction, design and other professionals for the project and the procedures shall also be approved by the authority's board of directors. The authority may designate a project manager for the project to serve as the authority's agent and consultant during the planning, design and construction of the project. The project manager's services shall include, but need not be limited to, monitoring the planning and programming and providing advice and consultation with respect to design, value engineering, cost estimating, scheduling, construction and the selection, negotiation with and oversight of a designer and a construction manager for the project. The project manager shall be selected pursuant to a publicly advertised request for qualifications, which shall include the entity's experience with the design and construction of similar projects and performance on prior projects and such other factors as the authority deems appropriate.

Sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to the contract between the authority and the contractor and all subcontracts awarded pursuant to this section.

The authority shall prepare quarterly reports on such pilot project which shall include, but not be limited to: (i) the total amount expended on the project to date; (ii) the number of contracts entered into to date; (iii) the number of contracts entered into with minority businesses; (iv) the number of contracts entered into with women-owned businesses; (v) the dollar value of contracts entered into with minority businesses; (vi) the dollar value of contracts entered into with women-owned businesses; (vii) the total number of employees working on the project; and (viii) the total number of employees working on the project, broken down by race, ethnicity and gender. The quarterly reports shall be submitted to the secretary of administration and finance, the house and senate committees on ways and means,



the house and senate clerks, the house committee on long term debt and capital expenditures and the joint committee on transportation. The authority shall prepare a final report which shall evaluate the effectiveness of such procurement process in terms of time and cost savings, as well as the quality of services, impact on the public and any other impacts of such procurement process and the authority shall file its report with the above-named officials and committees not later than six months from the completion of such pilot project.

**SECTION 18.** The Massachusetts Bay Transportation Authority shall conduct a feasibility study relative to establishing a commuter rail service between the city of Worcester and the city of Providence, Rhode Island, along the Providence and Worcester Railroad Company alignment. The authority shall also conduct a study of the feasibility of establishing commuter rail service between the city of Worcester and the town of Webster, up to the Connecticut state line, along the Providence and Worcester Railroad Company alignment.

Each study shall examine the costs of establishing such service, including but not limited to: (i) the cost of utilizing the alignment, purchasing rolling stock, constructing stations and operating the line; (ii) the projected ridership levels; and (iii) the availability of subsidies from the state of Rhode Island and the federal transit authority. The authority shall report the results of its studies to the joint committee on transportation and the house and senate committees on ways and means not more than one year after the effective date of this act.

**SECTION 19.** The Massachusetts Bay Transportation Authority shall prepare a study on the feasibility of providing additional commuter rail and bus transportation services to facilitate "reverse commuting", so-called. The study shall include, but not be limited to, the following: (i) demand for additional commuter rail services that provide transportation from Boston during both morning and evening rush hour commutes to stations on commuter rail lines; (ii) additional bus services and routes needed to provide north and south connecting services between commuter rail stations located in municipalities along the interstate highway route 95, state highway route 128 and interstate highway route 495 corridors; (iii) the demand for such services; (iv) whether such services assist businesses and industries with the recruitment and retention of employees; and (v) the impact of such services on traffic management and congestion. The study shall be filed with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on transportation not later than November 15, 2000.

**SECTION 20.** The Massachusetts Bay Transportation Authority shall begin the study and design of the underground connection between the South Boston Fan Pier transit way, so-called, and the Silver line in the Chinatown, South End, and Roxbury sections of the city of Boston. The study and design may include a connection from the proposed terminal of the transit way at South Station. Said authority shall deliver quarterly reports on the progress of the work to the joint committee on transportation and the house and senate committees on ways and means.

**SECTION 21.** The Massachusetts Bay Transportation Authority shall conduct a comprehensive review of its present and future marine transportation operations, including water ferries from the north and south shores of the city of Boston and from downtown Boston to Logan International Airport. The review shall include, but not be limited to, an analysis of the following: safety; ridership at different times of day, week, and year; the subsidies paid to each ferry operation; possible plans for expansion; and the availability of parking at the ferry terminals. Said authority shall file a report detailing such review and the associated findings with the joint committee on transportation and the house and senate committees on ways and means not later than November 15, 2000.

**SECTION 22.** As of the effective date of this act, the Massachusetts Bay Transportation Authority shall immediately cease any proposed expansion or planned expansion of the Readville Train Layover Facility located in the Readville section of the city of Boston and shall provide a written plan for withdrawal and relocation by November 15, 2000 to the joint committee on transportation and the house and senate committees on ways and means.

**SECTION 23.** Notwithstanding section 3 of chapter 40 of the General Laws, the town of Natick, acting by and through its board of selectmen, may enter into a lease agreement with the Massachusetts Bay Transportation Authority, or its assignee, for a term of years not to exceed 99 years, for the purpose of constructing, operating and maintaining a public parking garage or public parking facility and related site improvements, including paving, curbing, walkways and appurtenances, on a portion of the land owned by the town of Natick and shown on the town of Natick assessors map 44 as lots 326, 327, 328, 329, 330, 355, 356A, 359 and 360.

**SECTION 24.** Notwithstanding the provisions of any general or special law to the contrary, section 61 and sections 62A to 62H, inclusive, of chapter 30, chapter 91, and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the department of highways and the Massachusetts Bay Transportation Authority authorized under this act for the repair, reconstruction, replacement or demolition of existing state highway bridges and other bridges, including the immediate roadway approaches necessary to connect such bridges to the existing adjacent highway system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced. Notwithstanding the foregoing, said section 61 and sections 62A to 62H, inclusive, of said chapter 30, chapter 91 and said section 40 of said chapter 131 shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles river for the Central Artery/Ted Williams Tunnel Project. In the case of a state highway or other bridge crossing over a railroad right-of-way or railroad tracks, the department shall seek the opinion of any railroad company, railway company or its assigns operating on the track of a necessary clearance between the track and the state highway bridge. The department, its agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for such purposes as the department may deem necessary or convenient to carry out the provisions of this act. If a flagman is needed to carry

out the provisions of this act, that railroad company, railway company or its assigns shall provide such flagman. For the purposes of this section and item 6005-9906 of section 2, the word "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area.

**SECTION 25.** For the purposes of this section the following words shall have the following meanings:-

"Minority", a person with permanent residence in the United States who is Black, Portuguese, Western Hemisphere Hispanic, Asian, Native American or Cape Verdean.

"Minority business enterprise", an individual, business organization or nonprofit corporation which is certified as a minority business enterprise as defined in section 40 of chapter 23A of the General Laws by the state office of minority and women business assistance established in section 41 of said chapter 23A.

"Women business enterprise", an individual, business organization or nonprofit corporation which is certified as a women business enterprise by said office.

Based upon the history of discrimination against minority and women business enterprises established by the results of the disparity study conducted pursuant to subsection (s) of section 3 of chapter 33 of the acts of 1991 and any other disparity studies thereafter conducted by the executive office of transportation and construction and its agencies, the executive office of transportation and construction, the Massachusetts Bay Transportation Authority, the department of highways and the Massachusetts aeronautics commission shall promote equality in the market and, to that end, shall encourage full participation of minority and women owned businesses in all areas of state contracting, including contracts for construction, design and goods and services. Each such agency, commission, authority and political subdivision shall implement a narrowly tailored affirmative market program as set forth in Executive Order 390 which shall include race and gender conscious contracting goals when necessary to eliminate disparity between minority and women owned businesses and other business entities in the relevant market. Each such agency, commission, authority and political subdivision shall develop a comprehensive five-year plan, to be updated and approved by the secretary of administration and finance on an annual basis, to encourage the participation of minority and women owned business enterprises in all aspects of public contracting within the commonwealth, including but not limited to programs for building the capacity of minority and women owned business enterprises, programs for capturing information on Massachusetts businesses by industry and programs for implementing measures required to secure federal aid.

The secretary of transportation and construction and the executive officer of each such agency, commission, authority or political subdivision shall monitor the implementation of this section to ensure that the best efforts of each agency, commission, authority and political subdivision are utilized in the implementation of this section. Each such agency, commission and authority shall provide written quarterly reports to its respective secretary and to the secretary of administration and finance and each such political subdivision shall



provide written quarterly reports to the office granting or otherwise providing funds authorized in this act and to the secretary of administration and finance. The quarterly reports shall detail the total number of contracts entered into, the dollar value of each contract, the number of contracts entered into with minority and women owned business enterprises and the dollar value of each contract entered into with said enterprises.

Notwithstanding the provisions of any general or special law to the contrary, each executive office, agency, commission, authority or political subdivision may initiate state office of minority and women business assistance certification of minority and women business enterprises in a manner consistent with the rules and regulations promulgated by said office. If an executive office, agency, commission, authority or political subdivision makes a referral that a business may be a minority or women owned business enterprise, such referral, together with supporting documentation and a letter indicating the intent of the executive office, agency, commission, authority or political subdivision to contract with the business, shall be sent to said office, which shall approve or disapprove said business within 25 business days. Upon the certification of a business as a minority or women owned business enterprise by said office, such certification shall be effective for all executive offices and agencies for the purposes of this section.

**SECTION 26.** There is hereby established a special commission for the purpose of making an investigation and study to determine the feasibility and cost effectiveness of having the Massachusetts Bay Transportation Authority provide 24-hour passenger service on each day of the week or 24-hour passenger service on Saturdays and Sundays only. Said commission shall consist of four members of the senate, one of whom shall be appointed by the minority leader of the senate, four members of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives and four persons to be appointed by the governor. Said commission shall report the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the house and senate committees on ways and means and the joint committee on transportation on or before November 15, 2000.

**SECTION 27.** Notwithstanding the provisions of any general or special law to the contrary, the unexpended bond authorizations contained in item 6000-7967 of section 2A of chapter 28 of the acts of 1996 shall be made available for expenditure until June 30, 2006.

**SECTION 28.** The Massachusetts Bay Transportation Authority shall provide not less than ten daily commuter rail round trips between the cities of Worcester and Boston.

**SECTION 29.** The Massachusetts Bay Transportation Authority may expend funds contained in item 6005-9906 of section 2 for the purpose of a study by the Massachusetts Bay Transportation Authority, in consultation with the department of highways, the Massachusetts Turnpike Authority and the metropolitan district commission, relative to the Woodland and Riverside stations of the Massachusetts Bay Transportation Authority and the area surrounding said stations. The study shall include, but not be limited to, the proposed development of land owned by the Massachusetts Bay Transportation Authority in said area



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and its impact on the quality of life on residents of the area, transportation and traffic and the feasibility of establishing an intermodal transportation terminal. Said agencies shall, in the conduct of the study, hold at least one public hearing in a place accessible to the residents of the area.

The results of the study shall be filed with the joint committee on transportation of the general court not later than November 15, 2000 and no development of the land shall take place in the area prior to the completion and filing of the results of the study.

**SECTION 30.** The Massachusetts Bay Transportation Authority shall submit to the joint committee on transportation of the general court, the house committee on long term debt and capital expenditures and the house and senate committees on ways and means a report detailing the expenditure or obligation of the amounts authorized for expenditure obligation by sections 2, 11 and 12 needed by the authority prior to July 1, 2000 for the purpose of: (1) meeting the unfunded costs of ongoing, previously authorized projects for which contract assistance shall be paid during said period; (2) meeting the full obligation costs of any project for which contracts shall be signed during said period; or (3) satisfying funding requirements of the federal transit agency for the state share of any projects to be commenced or for which contracts shall be obligated. The report shall detail for each of the projects commenced or completed by the authority before July 1, 2000, utilizing prior capital spending authorization and the funds authorized by said sections 2, 11 and 12 including, but not limited to, the name and location of each such project, the estimated commencement and completion date of each such project, the estimated total cost for each such project, the amount of existing bond authorization for each such project and the amount of additional bond authorization needed for each such project. The report shall establish the amount of the authorization in said sections 2, 11 and 12 for which the authority will use instead stand-alone credit after June 30, 2000. An interim report projecting the expenditures anticipated to be made from this and prior authorizations prior to July 1, 2000 shall be submitted not later than August 1, 2000 and a final report shall be submitted not later than December 1, 2000.

**SECTION 31.** Section 4 shall take effect on July 1, 2001.

**SECTION 32.** Section 5 shall take effect on July 1, 2000.

*This bill was returned on June 30, 2000, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:*

*Items Disapproved:*

**SECTIONS: 4, 15, 18, 21, 22, 23, 28, 29, and 30.**

*The remainder of the bill was approved by the Governor June 30, 2000 at twelve o'clock and six minutes, P.M.*

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## **Chapter 126. AN ACT RELATIVE TO DOG GUIDES.**

*Be it enacted, etc., as follows:*

Section 98A of chapter 272 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 3 to 5, inclusive, the words ", if such dog is properly and safely muzzled, if requested by a person in control of a place of public accommodation,".

Approved July 7, 2000.

## **Chapter 127. AN ACT VALIDATING THE PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF SHERBORN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** All acts, votes and proceedings of the town of Sherborn taken at its annual town election held on May 9, 2000 and all actions taken pursuant thereto are hereby ratified, validated and confirmed notwithstanding any defect or omission in the calling of the election.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 7, 2000.

## **Chapter 128. AN ACT FURTHER REGULATING THE PROVISION OF ELECTRICITY AND OTHER SERVICES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 7 of chapter 30B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 17, the words "public utility" and inserting in place thereof the following words:- regulated industry.

**SECTION 2.** Section 38H of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "company", in lines 7 and 80, in each instance, the following words:- or wholesale generation company.

**SECTION 3.** Paragraph (1) of section 52A of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out subparagraph (c) and inserting in place thereof the following subparagraph:-

(c) "Taxable year", any fiscal or calendar year or period for which the utility corporation is required to make a return to the federal government.

**SECTION 4.** Section 1A of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the figure "10%" and inserting in place thereof

the following words:- at least 10 per cent.

**SECTION 5.** Section 1B of said chapter 164, as so appearing, is hereby amended by inserting after the word "be", in line 36, the following words:- at least.

**SECTION 6.** Paragraph (8) of the first paragraph of section 1F of said chapter 164, as so appearing, is hereby amended by striking out subparagraph (a) and inserting in place thereof the following subparagraph:-

(a)(i) Each customer choosing a generation company or its affiliate, subsidiary, or parent company, or a supplier or aggregator shall be required to affirmatively choose such entity. It shall be unlawful for a generation company, supplier or aggregator to provide power or other services to such a customer without first obtaining said affirmative choice from the customer.

(ii) For the purposes of this section, the term "affirmative choice" shall mean the signing of a letter of authorization, third party verification, or the completion of a toll-free call made by the customer to an independent third party operating in a location physically separate from the telemarketing representative who has obtained the customer's initial oral authorization to change to a new electricity service provider.

(iii) For the purposes of this section, the term "third party verification" shall mean an appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative who has obtained the customer's oral authorization to change to a new electricity service provider, such authorization to include appropriate verification data, such as the customer's date of birth and social security number; provided, however, any such information or data in the possession of the third party verifier or the marketing company shall not be used, in any instance, for commercial or other marketing purposes, and shall not be sold, delivered, or shared with any other party for such purposes.

(iv) For the purposes of this section, the term "letter of authorization" shall mean a separate document, or an easily separable document whose sole purpose is to authorize a generation company, aggregator, or supplier to initiate a primary generation company, aggregator, or supplier change. The letter of authorization must be signed and dated by the consumer requesting the primary generation company, aggregator, or supplier change.

(v) The letter of authorization shall not be combined with inducements of any kind on the same document.

(vi) At a minimum, the letter of authorization shall be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(A) the consumer's billing name and address;

(B) the decision to change electricity service from the current generation company, aggregator or supplier to the prospective generation company, aggregator or supplier;

(C) that the consumer understands that only one generation company, aggregator or supplier may be designated as the consumer's competitive supplier; and

(D) that the consumer understands that any primary generation company, aggregator

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or supplier selection the consumer chooses may involve a charge to the consumer for changing the consumer's primary generation company, aggregator or supplier.

(vii) Letters of authorization shall not suggest or require that a consumer take some action in order to retain the consumer's current generation company, aggregator or supplier.

(viii) If any portion of a letter of authorization is translated into another language, then all portions of the letter of authorization must be translated into that language.

(ix) Each customer choosing a generation company or its affiliate, subsidiary, or parent company, a supplier or aggregator shall have the right to rescind, without charge or penalty, the choice of generation company, aggregator, or supplier no later than midnight on the third day following the customer's receipt of a written confirmation of an agreement to purchase electricity and a statement of the terms and conditions of service as described in subparagraph (i) of paragraph (5). Upon switching of a customer's service provider, there shall be included in the customer's next monthly statement for distribution service an acknowledgment of the service switch, along with information on how to file a complaint regarding an unauthorized switch.

**SECTION 7.** Section 1G of said chapter 164, as so appearing, is hereby amended by inserting after the word "of", in lines 174 and 186, in each instance, the following words:- at least.

**SECTION 8.** Said section 1G of said chapter 164, as so appearing, is hereby further amended by inserting after the word "of", the first time it appears, in line 206, the following words:- at least.

**SECTION 9.** Section 47D of said chapter 164 as so appearing, is hereby amended by striking out, in line 4, the word "only".

**SECTION 10.** Section 69J¼ of said chapter 164, as so appearing, is hereby amended by striking out, in line 100, the word "necessary" and inserting in place thereof the following word:- reliable.

**SECTION 11.** Clause (j) of subparagraph (1) of the first paragraph of section 318 of chapter 164 of the acts of 1997 is hereby amended by striking out, in line 2, the words "renewably-generated electricity" and inserting in place thereof the following words:- electricity generated by a renewable resource.

**SECTION 12.** Clause (n) of said subparagraph (1) of said first paragraph of said section 318 of said chapter 164 is hereby amended by striking out, in line 2, the words "renewably-generated electricity" and inserting in place thereof the following words:- electricity generated by a renewable resource.

**SECTION 13.** Section 2 shall take effect as of November 25, 1997.

Approved July 7, 2000.

## Chapter 129. AN ACT RELATIVE TO THE GAME OF BEANO.

*Be it enacted, etc., as follows:*



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Chapter 10 of the General Laws is hereby amended by striking out sections 37 and 38, as appearing in the 1998 Official Edition, and inserting in place thereof the following two sections:-

Section 37. The director may license any organization licensed to conduct the game of beano under the provisions of section 38 to sell lottery tickets or shares; provided, that such tickets are sold only on the premises of said organization for which such license has been issued; and provided further, that the funds derived therefrom shall be used exclusively for educational, charitable or religious purposes. The commission shall sell lottery tickets to such licensed organizations and any such licensed organization reselling such tickets shall not be subject to prosecution for setting up and promoting a lottery or any other crime incidental thereto or for selling or having in its possession said lottery tickets.

The commission shall sell lottery tickets to such licensed organizations and shall determine the price at which said licensed organizations shall resell said tickets, which price shall be printed on each ticket. Each licensed organization shall be entitled to retain as gross profit not more than 30 per cent of the resale value of tickets sold by it, and shall be solely responsible for paying prizes won by tickets sold by it, which prizes shall be determined by the commission and be not less than 45 per cent of the resale value of said tickets.

The commission shall sell lottery tickets to said licensed organizations for 10 per cent of their resale value. The revenue derived by the commission from said sales of lottery tickets shall be apportioned as follows: (1) for the payment of costs; provided, however, that notwithstanding the provisions of section 25, the costs incurred by the commission in the operation and administration of the activities authorized by this section, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising or operational service or for the purchase or lease of lottery equipment, materials and tickets, in no case shall exceed one half of said revenue, subject to appropriation; (2) the balance of said revenue, as determined by the comptroller on June 1 and December 1 of each year, shall be credited to the Local Aid Fund established under the provisions of section 2D of chapter 29 to be distributed in accordance with the provisions of section 18C of chapter 58.

Organizations licensed under this section shall be considered sales agents for the purposes of this chapter. Activities authorized by this section shall be subject to all provisions of the state lottery law not inconsistent herewith.

Section 38. Any fraternal organization having chapters or branches in at least one other New England state, or any corporation organized under the provisions of chapter 180,, any religious organization under the control of or affiliated with an established church of the commonwealth and any veterans' organization incorporated or chartered by the Congress of the United States or listed in clause (12) of section 5 of chapter 40, any volunteer, non-profit fire company or similar organization furnishing public fire protection, any voluntary association for promotion of the interests of retarded children, the Boston Firemen's Relief Fund, any volunteer, non-profit organization furnishing a public ambulance service, and non-profit athletic associations, desiring to operate or conduct the game commonly called

beano, or substantially the same game under another name, in connection with which prizes are offered to be won by chance, may upon application to the state lottery commission be granted a license to conduct said game in a city or town which has voted to allow granting of licenses for the operation, holding or conducting of said game therein; provided, that the application of such organization is in the case of a city, other than the city of Boston, approved by the majority of the city council and approved by the mayor, in a town by the board of selectmen, and in the city of Boston by the licensing board for said city; and provided further, that such organization has been in existence for at least five years immediately prior to the date of making application for such license.

The fee for such license shall be determined annually by the commissioner of administration under the provision of section 3B of chapter 7. The proceeds of said fees shall be paid into the treasury of the commonwealth and shall be used by the commission to defray the cost of administering this section, subject to appropriation.

Such license may be revoked at the discretion of the director and shall be suspended or revoked upon written request to the director by the city or town approving authority as set forth above in this section. The action of the director in suspending or revoking a license shall be final, and the licensee shall not have a right of appeal.

Each organization licensed shall be limited to conducting such game to two days in each calendar week; provided, however, that on one of such days each license shall limit the playing of said game to the hours between 6:00 p.m. and 12:00 midnight and on the other of such days said license shall limit the playing of said game to the hours between 1:00 p.m. and 6:00 p.m. and said days and appropriate times shall be set forth in the license.

On not more than three occasions in one calendar year a licensee may change the date on which such beano game is to be conducted; provided, however, that the new date falls on the same day of the week according to the terms of the license; and provided, further, that said licensee shall notify the commission of such change no less than 30 days prior to said new date.

No licensee shall give a prize that exceeds \$100 in value except as otherwise provided in this paragraph. A licensee may conduct: (a) games incorporating bonus cards, which shall increase the prize in direct relation to the cost of said bonus cards, and which shall in no event increase the prize by more than 100 per cent; (b) special games, so-called, for which prizes shall not exceed \$500 in cash or merchandise; (c) two winner-take-all games, so-called, on any one day on which the licensee is authorized to conduct beano, which may be multiple games or a series of games, for which prizes shall be equal to all receipts from the sale of beano cards for said winner-take-all games less 10 per cent to cover the costs of supplies for said winner-take-all games, and taxes due the commonwealth under the provisions of section 39, except that no single prize so awarded shall exceed \$500 in either cash or merchandise; (d) four 50-50 games, so-called, on any one day on which the licensee is authorized to conduct beano, for which prizes shall equal 50 per cent of the receipts, after taxes, of said games, except that no single prize so awarded shall exceed \$1,200; and (e) two progressive jackpot games, so-called, for which the total accumulated

prize shall not exceed \$3,000. A licensee may award a good neighbor prize, so-called, which shall not exceed 10 per cent of the announced prize for a given game. When more than one player is a winner on the call of the same number, the designated prize shall be divided equally to the next nearest dollar; provided, however, that if a licensee so elects, no winner shall receive a prize which amounts to less than 10 per cent of the announced prize and that in such case the total of said designated prizes may exceed the applicable statutory limit of said game. In addition to the prizes allowed by this paragraph, a licensee may award a door prize or prizes, the aggregate value of which shall not exceed \$200 in cash or merchandise.

No alcoholic beverages shall be sold, dispensed or consumed in that portion of any building or premises of the licensee during the hours such game is being conducted.

No person under 18 years of age shall be permitted in that portion of any building or premises of the licensee during such time as such game is being played.

No game shall be advertised or publicized by sign or billboard beyond the city or town limits covered by each license.

Any organization licensed under this section to conduct said game shall operate, manage and control said game by members in good standing of the local branch of said organization, members in good standing of its recognized auxiliaries and, at the sole discretion of the director, their immediate family members.

If an organization licensed to conduct beano fails to exercise exclusive control and management of said game, or fails to have one of its members in good standing in full control and management of the game at all times during its operation, it shall be punished by a fine of not more than \$3,000.

The profits of any game licensed to be conducted under this section shall be the property of the organization conducting said game, and shall be used for charitable, religious or educational purposes, and shall not be distributed to the members of such organization. No person shall be entitled to a percentage of any money received as a result of conducting said game.

Accurate records and books shall be kept by each licensee showing the total amount of all monies deposited by people who played, attended or participated in said games, the expenses incurred and the name and address of each person receiving said money. A separate checking account shall be kept of receipts and expenditures of beano and money for expenses shall be withdrawn only by checks having preprinted consecutive numbers and made payable to a specific person or corporation and at no time shall a check be made payable to cash. Proceeds from beano shall be kept in a separate bank account and the organization shall file an annual report in January of the charitable, religious or educational disbursements of the preceding year with the director and the mayor and council or selectmen in such form as the director may prescribe. Such annual report shall be a public record. All monies expended for said charitable, religious or educational purposes shall be duly and accurately recorded as to specific amounts expended and the purposes for which expended. A copy of such records shall be filed with the local licensing authority on or before December 31 of each year. The director, the approving authority of the city or town wherein said game is conducted, or their



duly authorized agents or representatives, shall at all times have access to said records and books of any licensee for the purpose of examining and checking the same.

Organizations composed of persons 60 years of age or older, commonly referred to as senior citizens' or golden age clubs, may operate or conduct beano games without a license between the hours of 9:00 a.m. and 10:00 p.m. for the purpose of amusement and recreation of its members; provided, however, that the organization has applied for and received an identification number from said commission that no player or other person furnished consideration in excess of \$5 for the opportunity to participate, that prizes awarded are of up to but not more than \$100, that no person other than an active member of the organization or a handicapped person as defined in section 1 of chapter 151B participates in the conduct of the game, and that no person is paid for conducting or assisting in the conduct of the games. The tax imposed by section 39 shall not apply to games operated or conducted under the provisions of this paragraph.

The commission may make such other rules and regulations as it may deem necessary to carry out the provisions of sections 37 to 39, inclusive.

The director shall annually on or before April 1 file a report with the clerk of the house of representatives and the clerk of the senate showing the cities and towns which have licenses issued therein, the number of licenses by categories of organizations, the revenue received from these licenses, and such other information as he may deem relevant, together with his recommendations for any legislation he may deem appropriate.

Whoever violates any regulation promulgated by the commission under this section may be punished by a fine not exceeding \$3,000.

Approved July 7, 2000.

## **Chapter 130. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2001, PRIOR TO FINAL ACTION ON THE GENERAL APPROPRIATION ACT FOR SAID FISCAL YEAR.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the amount of \$700,000,000 is hereby appropriated for the fiscal year ending June 30, 2001, to meet necessary expenditures prior to the enactment into law of the general appropriation act for said fiscal year, for the maintenance and operations of the several departments, boards, commissions, and institutions including federal grant and intragovernmental service fund expenditures, for other necessary services and for meeting certain requirements of law. Said amount shall be in addition to the amount made available for said purposes in section 1 of chapter 113 of the acts of 2000. The authorization contained herein shall cease to be operative as of the effective date of the general appropriation act, and all



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actions taken under this section shall apply against the general appropriation act. All expenditures made under this authorization shall be consistent with appropriations made in the general appropriation act.

**SECTION 2.** The state treasurer shall make advance payments for periodic local reimbursement or assistance programs to a city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines issued by said secretary.

**SECTION 3.** This act shall take effect as of July 1, 2000.

Approved July 13, 2000.

## Chapter 131. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE WOOD ROAD BETTERMENT FUND IN THE TOWN OF BRAINTREE.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws, the town of Braintree may establish and maintain a separate account, known as the Wood Road Betterment Fund. The town treasurer shall keep the fund separate and apart from all other monies of the town and shall deposit in it all road and sidewalk betterment payments related to Wood road received by the town. The town treasurer may invest such funds in the manner prescribed in sections 54 and 55 of said chapter 44. Any interest earned thereon shall be credited to, and become part of, the fund. The principal and income therefrom shall be available for expenditure by the board of selectmen, in consultation with the town engineer, without further appropriation, for roadway improvements to Wood road performed in accordance with chapter 80 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 14, 2000.

## Chapter 132. AN ACT ESTABLISHING A LAND BANK FUND IN THE TOWN OF MENDON.

*Be it enacted, etc., as follows:*

**SECTION 1.** There is hereby established in the town of Mendon a Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests in lands for open space and recreation that is consistent with the town's most recent open space and recreation plan.

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**SECTION 2.** The town of Mendon shall establish a Land Bank Fund as a separate account to be maintained by the treasurer. The following monies shall be deposited into the account: (a) any gifts made to the town for the express purpose of acquiring land for the purpose set forth in section 1; and (b) any funds appropriated from time to time by town meeting to this fund. The treasurer may invest the funds in such separate account in the manner authorized by sections 55 and 55A of chapter 44 of the General Laws.

Any interest earned thereon shall be credited to and become part of such account. The town may appropriate, by a vote of the town meeting, monies from said Land Bank Fund for the purpose of acquiring, reclaiming, holding and managing land, conservation easements and interests for open space and recreation.

**SECTION 3.** The treasurer shall without further appropriation transfer to the Land Bank Fund established in section 1 from the stabilization fund maintained by the town, pursuant to section 5B of chapter 40 of the General Laws, the amount of \$350,000, which is the portion remaining of the amount appropriated to the stabilization fund under Article 1 of the special town meeting held on December 8, 1999.

**SECTION 4.** This act shall take effect upon its passage.

Approved July 14, 2000.

## Chapter 133. AN ACT RELATIVE TO AN EMERGENCY EXEMPTION FOR THE DELIVERY OF ALCOHOLIC BEVERAGES IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding chapter 136 and sections 18 and 33 of chapter 138 of the General Laws, the holder of a license under sections 18, 19B and 19C of said chapter 138 may deliver alcoholic beverages and wine and malt beverages in the city of Boston on Sunday, July 16, 2000.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 14, 2000.

## Chapter 134. AN ACT RELATIVE TO CERTAIN BORROWING BY THE TOWN OF PROVINCETOWN.

*Be it enacted, etc., as follows:*

Notwithstanding chapter 44 of the General Laws, bonds issued by the town of Provincetown for the repair of MacMillan pier shall be payable within a period not to exceed 40 years.

Approved July 19, 2000.

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**Chapter 135. AN ACT VALIDATING THE RESULTS OF THE ANNUAL TOWN ELECTION HELD IN THE TOWN OF DUDLEY.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law or by-law to the contrary, all acts and proceedings taken by the town of Dudley at the annual town election held on May 3, 1999 and all actions taken pursuant thereto are hereby ratified, validated and confirmed, notwithstanding any defect or omission in posting or publishing the warrant for said election.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 19, 2000.

**Chapter 136. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF ANDOVER TO GRANT AN EASEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Andover may grant to the board of selectmen on behalf of the town an easement for sewer purposes including constructing, maintaining and repairing sewer pipes within that parcel of land shown on Andover Assessors Map 187, Lot 1.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 20, 2000.

**Chapter 137. AN ACT RELATIVE TO CERTAIN CONSERVATION LAND IN THE TOWN OF CHATHAM.**

*Be it enacted, etc., as follows:*

Chapter 201 of the acts of 1997 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said parcels are on, through and across the property owned by the town and described in the order of taking recorded with the Barnstable county registry of deeds in Plan Book 409, page 83; Deed Book 4895, pages 97-99; Land Court Certificate 104803.

Approved July 20, 2000.

**Chapter 138. AN ACT AUTHORIZING THE TOWN OF STONEHAM TO GRANT AN EASEMENT OVER CERTAIN OPEN SPACE LAND.**

*Be it enacted, etc., as follows:*

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The town of Stoneham, acting by and through its board of selectmen, may grant an access easement over a certain parcel of open space land located in the town to Stoneham-Wg-Elm & Main, L.L.C. The land is bounded and described as follows:

beginning at Main Street Westerly a distance of thirty-one and two hundredths feet (31.02');  
thence Northwesterly a distance of forty-two and twenty-nine hundredths feet (42.29');

thence Southwesterly along Main Street thirty-two feet (32.00').

Approved July 20, 2000.

## Chapter 139. AN ACT RELATIVE TO FOOTHOLD TRAPS AND CERTAIN OTHER DEVICES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith persons from threats to human health and safety caused by certain animals, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 11 of chapter 131 of the General Laws is hereby amended by adding the following paragraph:-

The director shall also provide trapper training courses to certify licensed trappers on the effective use of box, cage and conibear type traps, for furbearing mammals, including beaver or muskrat. Such training courses shall be held at least twice each calendar year.

**SECTION 2.** Said chapter 131 is hereby further amended by inserting after section 19A the following section:-

Section 19B. Any person authorized under section 4 to take and possess mammals may transport them within the commonwealth for the purpose of euthanasia.

**SECTION 3.** Section 80A of said chapter 131, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "health", in line 13, the following words:- or municipal boards of health.

**SECTION 4.** The second paragraph of said section 80A of said chapter 131 as so appearing, is hereby amended by adding the following two sentences:- A threat to human health and safety may include, but shall not be limited to:

(a) beaver or muskrat occupancy of a public water supply;

(b) beaver or muskrat-caused flooding of drinking water wells, well fields or water pumping stations;

(c) beaver or muskrat-caused flooding of sewage beds, septic systems or sewage pumping stations;



(d) beaver or muskrat-caused flooding of a public or private way, driveway, railway or airport runway or taxi-way;

(e) beaver or muskrat-caused flooding of electrical or gas generation plants or transmission or distribution structures or facilities, telephone or other communications facilities or other public utilities;

(f) beaver or muskrat-caused flooding affecting the public use of hospitals, emergency clinics, nursing homes, homes for the elderly or fire stations;

(g) beaver or muskrat-caused flooding affecting hazardous waste sites or facilities, incineration or resource recovery plants or other structures or facilities whereby flooding may result in the release or escape of hazardous or noxious materials or substances;

(h) the gnawing, chewing, entering, or damage to electrical or gas generation, transmission or distribution equipment, cables, alarm systems or facilities by any beaver or muskrat;

(i) beaver or muskrat-caused flooding or structural instability on property owned by the applicant if such animal problem poses an imminent threat of substantial property damage or income loss, which shall be limited to: (1) flooding of residential, commercial, industrial or commercial buildings or facilities; (2) flooding of or access to commercial agricultural lands which prevents normal agricultural practices from being conducted on such lands; (3) reduction in the production of an agricultural crop caused by flooding or compromised structural stability of commercial agricultural lands; (4) flooding of residential lands in which the municipal board of health, its chair or agent or the state or federal department of health has determined a threat to human health and safety exists. The department of environmental protection shall make any determination of a threat to a public water supply.

**SECTION 5.** Said section 80A of said chapter 131, as so appearing, is hereby further amended by inserting after the second paragraph the following seven paragraphs:-

An applicant or his duly authorized agent may apply to the municipal board of health for an emergency permit to immediately alleviate a threat to human health and safety, as defined in the previous paragraph. If the municipal board of health determines that such a threat exists, it shall immediately issue said emergency permit to alleviate the existing threat to human health and safety, for a period not exceeding ten days. If denied, the applicant or his duly authorized agent may appeal said emergency permit application to the state department of public health or director. If the state department of public health or director determines that such a threat exists, it shall immediately issue said emergency permit to alleviate the existing threat to human health and safety, for a period not exceeding ten days.

The aforementioned emergency permit authorizes the applicant or his duly authorized agent to immediately remedy the threat to human health and safety by one or more of the following options: (a) the use of conibear or box or cage-type traps, subject to the regulations promulgated by the division; (b) the breaching of dams, dikes, bogs or berms, so-called, subject to determinations and conditions of municipal conservation commissions under section 40; and (c) employing any nonlethal management or water-flow devices, subject to

determinations and conditions of municipal conservation commissions under section 40.

If said threat to human health and safety has not been alleviated within said ten days, the applicant or his duly authorized agent in conjunction with the municipal board of health, shall apply to the director for an extension permit to continue the use of alleviation techniques, specified in this section, for a period not exceeding 30 days. If the director determines that such a threat to human health or safety exists, as defined in this section, the director shall immediately issue an extension permit.

If the director determines that said extension permit should be continued for 30 days, the director shall within 30 days of such decision develop, with the assistance of the applicant or his duly authorized agent, municipal board of health and municipal conservation commission, a plan to abate the beaver or muskrat problem using alternative, nonlethal management techniques in combination with water-flow devices, where possible, subject to the determinations and conditions of municipal conservation commissions under section 40, and if necessary, box and cage type-traps in order to provide a long-term solution. The director shall take reasonable steps to implement the plan within this 30-day period.

Compliance with the provisions of any or all of the previous four paragraphs shall not preclude the applicant or his duly authorized agent from applying to the municipal board of health for an additional emergency permit, provided the applicant (a) states in writing that there exists on the property an animal problem which poses a threat to human health and safety, as defined in this section, which cannot reasonably be abated by the use of alternative, nonlethal management techniques or box or cage traps, and that the applicant has attempted to abate the animal problem using alternative, nonlethal management techniques or box or cage traps, or (b) is awaiting the director's approval for an extension permit.

An applicant or his duly authorized agent under clause (b) shall be eligible for only two additional emergency permits, the first of which shall entitle the applicant or his duly authorized agent the use of all or any of the alleviation techniques previously allowed under the initial emergency permit. Said first additional emergency permit shall expire in ten days. If the director still has not acted within this ten day period, the applicant or his duly authorized agent shall be eligible for a second additional emergency permit. Said second additional emergency permit shall entitle the applicant or his duly authorized agent the use of all alleviation techniques previously allowed in this section, except for the use of conibear traps. The second additional emergency permit shall expire on the rendering of a decision by the director regarding the extension permit.

The division shall provide a report annually to the joint committee on natural resources and agriculture on the creation, implementation and efficiency of such animal problem plans.

**SECTION 6.** The director of fisheries and wildlife shall adopt emergency regulations to carry out the purposes of this act as soon as possible and shall adopt final regulations within three months after the effective date of this act. All final rules and regulations promulgated under this act shall be filed with the joint committee on natural resources and agriculture 60 days before their effective date. Within one year after the effective date of this

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act and annually thereafter, the division shall conduct a study of the results and financial requirements of this act and file the results of such study with the clerks of the house of representatives and the senate and the joint committee on natural resources and agriculture.

Approved July 21, 2000.

### **Chapter 140. AN ACT RELATIVE TO NONGROUP HEALTH INSURANCE PRODUCTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for affordable health insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 176M of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the definitions of "Adjusted composite rate" and "Average composite rate" and inserting in place thereof the following three definitions:-

"Adjusted composite rate", the composite rate for each guaranteed issue health plan issued by a carrier adjusted in a consistent manner to be prescribed by the commissioner by regulation to account for differences in premiums between carriers that are the result of (i) geographic differences in the cost of health care; (ii) the average age of eligible individuals enrolled in a carrier's guaranteed issue health plan; and (iii) differences in benefit levels.

"Alternative benefits plans", a set of benefits offered pursuant to subsection (d) of section 2, to be provided in each alternative guaranteed issue managed care plan, alternative guaranteed issue medical plan, and alternative guaranteed issue preferred provider plan.

"Average adjusted composite rate", the average of the adjusted composite rates filed by the carriers as calculated by the commissioner of insurance pursuant to the provisions of section 5.

**SECTION 2.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of "Composite rate" the following definition:-

"Creditable coverage", coverage of an individual under any of the following:

(a) a group health plan;

(b) a health plan, including, but not limited to, a health plan issued, renewed or delivered within or without the commonwealth to a natural person who is enrolled in a qualifying student health insurance program pursuant to section 18 of chapter 15A or a qualifying student health program of another state;

(c) Part A or Part B of Title XVIII of the Social Security Act;

(d) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928;



- (e) 10 U.S.C. 55
- (f) a medical care program of the Indian Health Service or of a tribal organization;
- (g) a state health benefits risk pool;
- (h) a health plan offered under 5 U.S.C.89;
- (i) a public health plan as defined in federal regulations authorized by the Public Health Service Act, section 2701(c)(1)(I), as amended by P.L. 104-191; or
- (j) a health benefit plan under the Peace Corps Act, 22 U.S.C. 2504(e).

**SECTION 3.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the definition of "Eligible individual" and inserting in place thereof the following definition:-

"Eligible individual", any natural person who is a resident of the commonwealth and who is not enrolled for coverage under Part A or Part B of Title XVIII of the federal Social Security Act, or a state plan under Title XIX of such act or any successor program.

**SECTION 4.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by inserting after the definition of "Financial impairment" the following definition:-

"Group health plan", an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1002, to the extent that the plan provides medical care, and including items and services paid for as medical care to employees or their dependents, as defined under the terms of the plan directly or through insurance, reimbursement or otherwise. For the purposes of this chapter, medical care means amounts paid for (i) the diagnosis, cure, mitigation, treatment or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body; (ii) amounts paid for transportation primarily for and essential to medical care referred to in clause (i); and (iii) amounts paid for insurance covering medical care referred to in clauses (i) and (ii).

Also, for the purposes of this chapter, (a) any plan, fund or program which would not be, but for section 2721(e) of the federal Public Health Service Act, an employee welfare benefit plan, and which is established or maintained by a partnership, to the extent that such plan, fund or program provides medical care, including items and services paid for as medical care, to present or former partners in the partnership, or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement or otherwise, shall be treated, subject to clause (b), as an employee welfare benefit plan which is a group health plan; (b) in the case of a group health plan, the term "employer" also includes the partnership in relation to any partner; and (c) in the case of a group health plan, the term "participant" also includes:

(1) in connection with a group health plan maintained by a partnership, an individual who is a partner in relation to the partnership, or (2) in connection with a group health plan maintained by a self-employed individual, under which one or more employees are participants, the self-employed individual; if such individual is, or may become, eligible to receive a benefit under the plan or such individual's beneficiaries may be eligible to receive any such benefit.



**SECTION 5.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the definitions of "Guaranteed issue managed care plan", "Guaranteed issue medical plan" and "Guaranteed issue preferred provider plan" and inserting in place thereof the following three definitions:-

"Guaranteed issue managed care plan", a nongroup health plan, including a conversion nongroup health plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to chapter 176G or the laws of any other jurisdiction, to any eligible individual for said individual or his eligible dependents and for which the carrier may not decline to offer to or deny enrollment of such eligible individual or his eligible dependents and which is to be renewed or continued in force at the option of the individual or his eligible dependents, subject to the exclusions set forth in this chapter, that provides the benefits specified in section 2. A carrier may establish no more than one standard guaranteed issue managed care plan and no more than one alternative guaranteed issue managed care plan.

"Guaranteed issue medical plan", a nongroup health plan, including a conversion nongroup health plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to either chapter 175, 176A or 176B or the laws of any other jurisdiction, to any eligible individual for said individual or his eligible dependents and for which the carrier may not decline to offer to or deny enrollment of such eligible individual or his eligible dependents and which is to be renewed or continued in force at the option of the individual or his eligible dependents, subject to the exclusions set forth in this chapter, that provides the benefits specified in section 2. A carrier may establish no more than one standard guaranteed issue medical plan and no more than one alternative guaranteed issue medical plan.

"Guaranteed issue preferred provider plan", a nongroup health plan, including a conversion nongroup health plan, sold, issued, delivered, made effective or renewed by a carrier, within or without the commonwealth pursuant to chapter 176I or the laws of any other jurisdiction, to any eligible individual for said individual or his eligible dependents and for which the carrier may not decline to offer to or deny enrollment of such eligible individual and his eligible dependents and which is to be renewed or continued in force at the option of the individual or his eligible dependents, subject to the exclusions set forth in this chapter, that provides the benefits specified in section 2. A carrier may establish no more than one standard guaranteed issue preferred provider plan and no more than one alternative guaranteed issue preferred provider plan.

**SECTION 6.** The definition of "Health plan" in said section 1 of said chapter 176M, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The words "health plan" shall not include accident only, credit-only, limited scope dental benefits if offered separately, hospital indemnity insurance policies if offered as independent, noncoordinated benefits which for the purposes of this chapter shall mean policies issued pursuant to chapter 175 which provide a benefit not to exceed \$500 per day, as adjusted on an annual basis by the amount of increase in the average

weekly wages in the commonwealth as defined in section 1 chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of the insured or a dependent, disability income insurance, coverage issued as a supplement to liability insurance, specified disease insurance that is purchased as a supplement and not as a substitute for a health plan and meets any requirements the commissioner by regulation may set, insurance arising out of a workers' compensation law or similar law, automobile medical payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self insurance, long-term care if offered separately, coverage supplemental to the coverage provided under 10 U.S.C. 55 if offered as a separate insurance policy, or any policy subject to the provisions of chapter 176K.

**SECTION 7.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the definition of "Modified community rate" and inserting in place thereof the following definition:-

"Modified community rate", a rate resulting from a rating methodology in which the premium for all persons within the same rate basis type who are covered under a guaranteed issue health plan is the same without regard to health status; provided, however, that premiums may vary due to age, geographic area, or benefit level for each rate basis type as permitted by this chapter.

**SECTION 8.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the definition of "Pre-existing condition provision" and inserting in place thereof the following definition:-

"Pre-existing condition exclusion", with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care or treatment was recommended or received before such date. Genetic information shall not be treated as a condition in the absence of a diagnosis of the condition related to such information.

**SECTION 9.** Said section 1 of said chapter 176M, as so appearing, is hereby further amended by striking out the definition of "Standard benefits plans" and inserting in place thereof the following definition:-

"Standard benefits plans", a set of benefits to be determined pursuant to subsection (c) of section 2, which sets a minimum level of benefits to be provided in each standard guaranteed issue managed care plan, standard guaranteed issue medical plan, and standard guaranteed issue preferred provider plan on an actuarially equivalent basis.

**SECTION 10.** Section 2 of said chapter 176M, as so appearing, is hereby amended by adding the following subsection:-

(d) A carrier that participates in the nongroup health insurance market shall make available to eligible individuals a standard guaranteed issue health plan established pursuant to subsection (c) and may additionally make available to eligible individuals one alternative

guaranteed issue health plan with benefits and cost-sharing requirements, including deductibles, that differ from the said standard guaranteed issue health plan. A carrier shall not make available an alternative plan unless said plan has been filed with and approved by the commissioner of insurance. The commissioner shall approve of an alternative plan if said plan: (1) includes at least the following medically necessary services: reasonably comprehensive physician services; inpatient and outpatient hospital services; emergency health care services; and a full range of effective, clinical preventive care administered on an outpatient basis; and (2) contains a disclosure form, which shall be provided to any potential insured, that clearly and concisely states the limitations on the scope of health services and any other benefits to be provided, including an explanation of any deductible or copayment feature; and (3) offers a ten day free look period in compliance with chapter 176D and any regulations promulgated thereunder. A carrier shall adhere to all other provisions of this chapter when offering any guaranteed issue health plan. The commissioner shall promulgate regulations relative to the guaranteed issue health plans permissible pursuant to this section.

**SECTION 11.** Section 3 of said chapter 176M, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) No carrier, with respect to an eligible individual or eligible dependent desiring to enroll in any guaranteed issue health plan, may decline to offer such coverage to, or deny enrollment of, any such individual or dependent except as otherwise allowed in this section, nor impose any pre-existing condition exclusion with respect to any guaranteed issue health plan except as otherwise allowed in this section, nor impose any waiting period in any guaranteed issue health plan except as otherwise allowed in this section.

**SECTION 12.** The introductory paragraph of subsection (b) of said section 3 of said chapter 176M, as so appearing, is hereby amended by striking out the last sentence.

**SECTION 13.** Said subsection (b) of said section 3 of said chapter 176M, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:-

(1) A carrier shall enroll any person who meets the requirements of an eligible individual as defined in section 2741 of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. section 300gg-41(b), into a guaranteed issue health plan if such person requests guaranteed issue coverage within 63 days of termination of any prior creditable coverage. Coverage shall become effective within 30 days of the date of application, subject to reasonable verification of eligibility.

(2) A carrier shall enroll any eligible individual who does not meet the requirements of an eligible individual as defined in section 2741 of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. section 300gg-41(b), into a guaranteed issue health plan; provided, however, that a carrier may impose a pre-existing condition exclusion for no more than six months or a waiting period, which shall be applied uniformly without regard to any health status-related factors, for no more than six months following the individual's effective date of coverage. If a policy includes a waiting period, emergency services shall be



covered to the same extent that emergency services are covered during a waiting period under chapter 176J. In determining whether a pre-existing condition exclusion or a waiting period applies, all health benefit plans shall credit the time such person was covered under prior creditable coverage provided by a carrier if the previous coverage was continuous to a date not more than 63 days prior to the date of the request for the new coverage and if the previous coverage was reasonably actuarially equivalent to the new coverage. Coverage shall become effective within 30 days of the date of application. The commissioner shall promulgate regulations relative to pre-existing condition exclusions and waiting periods permissible pursuant to this section.

**SECTION 14.** Said section 3 of said chapter 176M, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) As of the first day of the first open enrollment period specified in subsection (b), no carrier shall issue a health plan to an eligible individual other than a guaranteed issue health plan. A carrier shall renew a closed plan, but may discontinue a closed plan when the number of subscribers in said plan is not more than 25 per cent of the plan's 1999 enrollment figure. A closed plan's 1999 enrollment figure shall be determined by the commissioner of insurance based on enrollment figures submitted to the division of insurance as of December 31, 1999. The commissioner of insurance shall approve or disapprove of a carrier's request to discontinue a closed plan based on the most recent figure submitted to the division of insurance. A carrier shall file its rates for a closed plan in accordance with subsection (a) of section 5. A closed plan shall not otherwise be subject to the requirements of said section 5. A closed plan shall not be subject to the requirements of section 4. No carrier shall add any new rating factor to the rating methodology which was applicable to its closed plan as of August 15, 1996. Nothing in this section shall prohibit a subscriber from enrolling in a guaranteed issue plan if the subscriber meets the requirements of this chapter.

**SECTION 15.** Subsection (h) of said section 3 of said chapter 176M, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentence:-

A carrier that decides to terminate coverage for all eligible individuals enrolled in a specific guaranteed issue plan shall notify the commissioner of insurance no later than 180 days prior to terminating coverage under that guaranteed issue health benefit plan.

**SECTION 16.** Subsection (a) of section 4 of said chapter 176M, as amended by section 3 of chapter 61 of the acts of 1999, is hereby further amended by striking out paragraphs (1) to (6), inclusive, and inserting in place thereof the following six paragraphs:-

(1) Each carrier shall establish a base premium rate for each rate basis type within each guaranteed issue health plan it offers. The premium charged to any eligible purchaser shall be limited to the base premium rate multiplied by the factors specified in paragraphs (2), (3) and (4).

(2) A carrier may establish a premium rate adjustment based upon the age of an insured individual. Such an adjustment shall be known as the age rate adjustment. A carrier



may establish an age rate adjustment, the value of which may range from 0.67 to 1.33. If a carrier chooses to establish age rate adjustments, the premium charged to every individual enrolled in a guaranteed issue health plan shall be subject to the applicable age rate adjustment.

(3) The commissioner shall annually establish not fewer than five distinct regions of the state for the purpose of area rate adjustments. A carrier may establish an area rate adjustment for each different region, the value of which shall range from 0.8 to 1.2. If a carrier chooses to establish area rate adjustments, the premium charged for a guaranteed issue health plan to each eligible individual who resides within each geographic area shall be subject to the applicable area rate adjustment.

(4) A carrier may establish a benefit level rate adjustment for each type of approved alternative guaranteed issue health plan. The benefit level rate adjustment shall be expressed as a number and shall only represent the actuarial value of the benefit level of the alternative guaranteed issue health plan authorized by subsection (d) of section 2 as compared to the actuarial value of the benefit level of the standard guaranteed issue health plan authorized by subsection (c) of section 2, assuming no difference in expected cost and utilization for those in the standard guaranteed issue health plans as compared to those in the alternative guaranteed issue health plans, as certified in an actuarial opinion and memorandum signed by a member of the American Academy of Actuaries, which includes sufficient documentation to support the benefit level rate adjustment. The benefit level rate adjustment may not reflect the nature of the actual populations covered by the guaranteed issue health plans. The premium charged to every individual enrolled in an alternative guaranteed issue health plan shall be subject to the applicable benefit level rate adjustment. There shall be no benefit level rate adjustment to a standard guaranteed issue health plan.

(5) The premium rate charged by a carrier to each individual on the date of the individual's guaranteed issue health policy is issued or renewed shall be the base premium rate charged for that rate basis type, multiplied by the age rate adjustment, multiplied by the area rate adjustment, multiplied by the benefit level rate adjustment as may be applicable pursuant to this section.

(6) Nothing shall preclude a carrier from directly subsidizing the premium rate established pursuant to this section charged to eligible individuals who meet eligibility criteria established by the carrier, including individual or household income and asset tests, to assess economic need.

**SECTION 17.** Paragraph (2) of subsection (a) of section 5 of said chapter 176M, as appearing in the 1998 Official Edition, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) the age, geographic and benefit level adjustments to be charged within each rate basis type for each guaranteed issue health plan and for each closed plan.

**SECTION 18.** Said chapter 176M is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

Section 6. (a) There is hereby established a nonprofit entity to be known as the Massachusetts Nongroup Health Reinsurance Plan. Any carrier issuing or renewing a guaranteed issue health plan shall be a member of the plan.

(b) The plan shall be prepared and administered by a five member governing committee to be appointed by the governor. Such appointees shall represent carriers selling nongroup health plans in the commonwealth, of which at least one appointee shall represent a foreign nongroup carrier. The initial appointment of two such appointees shall be for a term of three years. The initial appointment of two such appointees shall be for a term of two years. The initial appointment of the remaining appointee shall be for a term of one year. All appointments thereafter shall be for a term of three years. The governing committee shall be responsible for the hiring of any employees or contractors of the plan.

(c) On or before January 1, 2001, the governing committee shall submit to the commissioner a plan of operation. The commissioner shall, after notice and hearing, approve, disapprove or modify the plan of operation. Subsequent amendments to the plan shall be deemed approved by the commissioner if not expressly disapproved in writing by the commissioner within 30 days from the date of the filing. The commissioner shall establish the plan of operation by March 1, 2001, if the governing committee does not propose such a plan.

(d) Meetings of the governing committee of the plan shall be conducted in accordance with the provisions of section 11A½ of chapter 30A.

(e) The plan shall not reimburse a carrier with respect to the claims of a reinsured individual or dependent in any calendar year until the carrier has paid an amount determined by the governing board and approved by the commissioner for benefits otherwise covered by the plan during the calendar year.

(f) Premium rates charged for coverage reinsured by the plan shall be established by the governing committee and shall be subject to the approval of the commissioner.

(g) Any member of the reinsurance plan may only reinsure the coverage of an eligible individual, or any eligible dependent of such an individual, who enrolls in a guaranteed issue health plan on or after November 1, 2001. The reinsurance plan shall reinsure the level of coverage provided by the guaranteed issue health plan.

(h) Following the close of the fiscal year established in the plan of operation, the governing committee shall determine the premiums charged for reinsurance coverage, the reinsurance plan expenses for administration and the incurred losses, if any, for the fiscal year, taking into account investment income and other appropriate gains and losses. Any net loss for the year shall be recouped by assessment of the members which shall be apportioned in proportion to each such members' respective shares of the total premiums earned in the commonwealth from health plans, but in no event shall such assessments exceed 1 per cent of the premiums earned from such health plans.

(i) If the assessment level is inadequate, the governing committee may adjust reinsurance thresholds, retention levels or consider other forms of reinsurance. The governing committee shall report annually to the commissioner and the joint committee on

insurance on its experience, the effect of the reinsurance plan on nongroup rates and shall make recommendations, if necessary, relative to sustaining the viability of the reinsurance plan. The committee may enter into negotiations with plan members to resolve any deficit through reductions in future payment levels for reinsurance plans. Any such recommendations shall take into account the findings of an actuarial study to be undertaken after the first three years of the plan's operation to evaluate and measure the relative risks assumed by differing types of carriers. The study shall be conducted by three actuaries appointed by the commissioner, one of whom shall represent risk assuming carriers, one of whom shall represent reinsuring carriers and one of whom shall represent the commissioner.

**SECTION 19.** Said chapter 176M is hereby further amended by adding the following section:-

Section 7. The commissioner may promulgate rules and regulations as are necessary or proper to carry out the provisions of this chapter.

**SECTION 20.** Chapter 297 of the acts of 1996 is hereby amended by striking out section 31, as amended by section 35 of chapter 467 of the acts of 1996, and inserting in place thereof the following section:-

Section 31. There is hereby established within the office of the governor a board to be known as the nongroup health insurance advisory board, consisting of: the director of consumer affairs or his designee; two members to be appointed by the attorney general, both of whom shall represent consumers, but shall not be members of the same consumer organization; and five members to be appointed by the governor, one of whom shall represent a nonprofit hospital service corporation, one of whom shall represent a commercial insurance company, one of whom shall represent health maintenance organizations not affiliated with a hospital service corporation, one of whom shall represent small business organizations, and one of whom shall represent a large group carrier. The appointments by the governor and the attorney general shall be made on or before January 1, 2001. The initial appointment of three of the board gubernatorial appointees shall be for a term of three years. The initial appointment of three of the members, including the two members appointed by the attorney general, shall be for a term of two years. The initial appointment of the remaining two board gubernatorial appointees shall be for a term of one year. All appointments thereafter shall be for a term of three years. The board shall meet from time to time and shall advise the division on issues relating to nongroup health insurance.

**SECTION 21.** There is hereby established a special committee of the general court consisting of the chairs of the joint committee on insurance, the chairs of the joint committee on health care, the chairs of the standing committees of post audit and oversight, and one member to be appointed by the minority leader of the senate and one member to be appointed by the minority leader of the house of representatives. The special committee shall collect such data and solicit such testimony as it deems necessary to review, evaluate and make recommendations relative to the implementation of nongroup health insurance reforms established by this act.

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**SECTION 22.** Notwithstanding the provisions of any general or special law to the contrary, the commissioner of insurance shall promulgate regulations requiring that any health plan issued pursuant to the provisions of chapter 176M of the General Laws shall offer to its subscribers beginning on or after November 1, 2001 a minimum of four rate basis type categories for which separate rates are charged and requiring that all filings due to the division of insurance by May 1, 2001 include these provisions; provided, however that at least one of such categories shall be classified as containing a single parent with dependents.

**SECTION 23.** Notwithstanding the provisions of any general or special law to the contrary, the commissioner of insurance shall, no later than 14 days after the effective date of this act, issue to all nongroup health carriers a bulletin explaining any changes to the law pursuant to section 14 of this act. Any carrier with subscribers in a nongroup closed plan under section 3 of chapter 176M of the General Laws shall notify its closed plan subscribers of such changes in the law no later than 14 days after the commissioner has issued the bulletin.

**SECTION 24.** Sections 1, 5, 7, 12, 15, 16 and 17 shall take effect on April 30, 2001.

**SECTION 25.** Sections 3, 6, 10, 11 and 13 shall take effect on November 1, 2001.

Approved July 21, 2000.

## Chapter 141. AN ACT RELATIVE TO MANAGED CARE PRACTICES IN THE INSURANCE INDUSTRY.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect the rights of patients and to preserve the public health, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 6A of the General Laws is hereby amended by inserting after section 16C the following section:-

Section 16D. (a) The managed care oversight board is hereby established within, but not subject to the control of, the executive office of health and human services. The board shall consist of the following members: the secretary of said office, the commissioner of insurance, the commissioner of public health, the commissioner of the department of mental health, the commissioner of medical assistance, the executive director of the group insurance commission, the director of consumer affairs and business regulation, a physician member of the board of registration in medicine to be appointed by the governor, and the secretary of administration and finance. The board shall be chaired by the secretary of health and human services. Each such member may appoint a designee to serve in the member's place.



(b) The board shall appoint an executive director to oversee and coordinate the activities of the board. The board shall be assisted in its duties by the office, which shall provide technical, technological, operational and administrative support. The expenses of the board shall be funded from amounts appropriated from the general fund or any other fiscal resource of the commonwealth designated for such purpose.

(c) The board shall have oversight authority over the office of patient protection in the department of public health established by section 217 of chapter 111, and the managed care bureau in the division of insurance established by section 2 of chapter 176O, but the board's authority in this regard shall be limited to coordinating functions between said office and said bureau and reviewing and commenting upon regulations promulgated by said office and said bureau. The board shall not have authority to approve or disapprove such regulations except to the extent of a conflict between the regulations promulgated or proposed or any actions undertaken by said office and said bureau. The board shall take all necessary steps to coordinate the functions of said office and said bureau in order to avoid, to the maximum extent possible, redundancy and duplication of effort.

(d) There is hereby established an advisory committee to advise the board on issues relating to managed care practices including, but not limited to, issues involving health care cost, quality and access. Said committee shall also have the right to review and comment upon all rules, regulations and guidelines issued by the office of patient protection and the managed care bureau at least 60 days before the date such regulations become final, but in the case of emergency regulations the time period shall be a reasonable time under the circumstances as determined by the secretary of health and human services. Said committee shall designate one person to serve as a liaison to the managed care oversight board. Said committee shall consist of 14 persons to be appointed by the secretary of health and human services one of whom shall represent Health Care for All; one of whom shall represent the Massachusetts Medical Society; one of whom shall represent the Massachusetts Association of Health Maintenance Organizations; one of whom shall represent the Associated Industries of Massachusetts; one of whom shall represent the Massachusetts Nurses Association; one of whom shall represent the Massachusetts Hospital Association; one of whom shall represent the Ad Hoc Committee to Defend Health Care; one of whom shall represent a mental health consumer advocacy organization; one of whom shall represent a senior citizen organization; one of whom shall represent an organization representing the disabled and chronically ill; one of whom shall represent community health centers; one of whom shall represent the Massachusetts Health Care Purchasers Group; one of whom shall represent the Life Insurance Association of Massachusetts; and one of whom shall represent a utilization review organization not otherwise represented. Said committee shall elect a chair from among its members and adopt bylaws for its proceedings.

**SECTION 2.** Chapter 111 of the General Laws is hereby amended by inserting after section 51F the following section:-

Section 51G. (1) No original license shall be granted to establish or maintain an

acute-care hospital, as defined by section 25B unless there is a determination by the department of the suitability and responsibility of the prospective licensee in accordance with regulations of the department.

For purposes of this section, the department's determination of suitability and responsibility shall include the following factors:

(a) the financial capacity of the prospective licensee to operate the hospital in accordance with applicable laws;

(b) the history of the prospective licensee in providing acute care, including in states other than the commonwealth, if any, measured by compliance with the applicable statutes and regulations governing the operation of hospitals in such states;

(c) the participation of persons residing in the non-profit entity's primary service area in oversight of the resulting hospital; and

(d) whether the transaction will create a significant effect on the availability or accessibility of health care services to the affected communities.

(2) No original license shall be granted to establish or maintain an acute care hospital as defined in section 25B unless all financial transactions, including remuneration of all officers of hospitals affected by the transaction, are disclosed as part of the licensure process, and unless a public hearing is held, according to procedures established in regulation by the department, prior to the granting of the license.

(3) No original license shall be granted to establish or maintain an acute-care hospital, as defined by section 25B and any subsequent successor or acquirer, unless the applicant agrees to maintain or increase the percentage of gross patient service revenues allocated to free care. The department may permit the applicant to reduce said percentage if the department determines that demographic or other changes in the hospital's service area justify a reduction in said percentage. The department shall promulgate regulations to enforce this paragraph and any agreement made by an applicant concerning free care.

(4) Any hospital shall inform the department 90 days prior to the closing of the hospital or the discontinuance of any essential health service provided therein. The department shall by regulation define "essential health service" for the purposes of this section. The department shall, in the event that a hospital proposes to discontinue an essential health service or services, determine whether any such discontinued services are necessary for preserving access and health status in the hospital's service area, require hospitals to submit a plan for assuring access to such necessary services following the hospital's closure of the service, and assure continuing access to such services in the event that the department determines that their closure will significantly reduce access to necessary services. The department shall conduct a public hearing prior to a determination on the closure of said essential services or of the hospital. No original license shall be granted to establish or maintain an acute-care hospital, as defined by section 25B, unless the applicant submits a plan, to be approved by the department, for the provision of community benefits, including the identification and provision of essential health services. In approving the plan, the department may take into account the applicant's existing commitment to primary and preventive

health care services and community contributions as well as the primary and preventive health care services and community contributions of the predecessor hospital. The department may waive this requirement, in whole or in part, at the request of the applicant which has provided or at the time the application is filed, is providing, substantial primary and preventive health care services and community contributions in its service area.

(5) No original license shall be granted to establish or maintain an acute care hospital as defined by section 25B which results from the merger or acquisition of the hospital, unless the board of trustees of the hospital publicly presents and evaluates all proposals for such a merger or acquisition according to rules and regulations promulgated by the department.

(6) Whenever the department finds upon inspection, or through information in its possession, that a licensee is not in compliance with a requirement established under this section, the department may order the licensee to correct such deficiency. Every such correction order shall include a statement of the deficiencies found, the period prescribed within which the deficiency must be corrected, and the provisions of law relied upon. The department may assess the licensee ordered to correct deficiencies no less than \$1,000 and not more than \$10,000 per deficiency for each day the deficiency continues to exist beyond the date prescribed for correction. Within seven days of receipt, the affected licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof.

**SECTION 3.** Said chapter 111 is hereby further amended by adding the following section:-

Section 217. (a) There is hereby established within the department an office of patient protection. The office shall:-

(1) have the authority to administer and enforce the standards and procedures established by sections 13, 14, 15 and 16 of chapter 176O, and to promulgate regulations therefor. Such regulations shall protect the confidentiality of any information about a carrier or utilization review organization, as defined in said chapter 176O, which, in the opinion of the office, and in consultation with the division of insurance, is proprietary in nature. The regulations authorized by this section shall be consistent with, and not duplicate or overlap with, regulations promulgated by the bureau of managed care established in the division of insurance pursuant to said chapter 176O;

(2) establish a site on the internet and through other communication media in order to make managed care information collected by the office readily accessible to consumers. Said internet site shall, at a minimum, include (i) the health plan report card developed pursuant to section 24 of chapter 118G, (ii) a chart, prepared by the office, comparing the information obtained on premium revenue expended for health care services as provided pursuant to subsection (3) of paragraph (b) of section 7 of chapter 176O, for the most recent year for which information is available, and (iii) data collected pursuant to paragraph (c);

(3) assist consumers with questions or concerns relating to managed care, including but not limited to exercising the grievance and appeals rights established by sections 13 and 14, of said chapter 176O;



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(4) monitor quality-related health insurance plan information relating to managed care practices;

(5) regulate the establishment and functions of review panels established by section 14 of chapter 176O;

(6) periodically advise the commissioner, the managed care oversight board established by section 16D of chapter 6A, the joint committee on health care and the joint committee on insurance on actions, including legislation, which may improve the quality of managed care health insurance plans.

(b) The commissioner shall establish an external review system for the review of grievances submitted by or on behalf of insureds of carriers pursuant to section 14 of chapter 176O.

(c) Each entity that compiles the health plan employer data and information set, so-called, for the National Committee on Quality Assurance, or collects other information deemed by the entity as similar or equivalent thereto, shall, upon submitting said data and information set to the division of health care finance and policy pursuant to section 24 of chapter 118G, concurrently submit to the office of patient protection a copy thereof excluding, at the entity's option, proprietary financial data.

**SECTION 4.** Chapter 112 of the General Laws is hereby amended by inserting after section 5L the following section:-

. Section 5M. The board shall promulgate regulations addressing the issue of physician investment and ownership in for-profit acute-care hospitals and health maintenance organizations.

**SECTION 5.** Chapter 118E of the General Laws is hereby amended by inserting after section 17 the following section:-

Section 17A. (a) As used in this section, the following words shall have the following meanings:

"Attending physician", the emergency physician or consultant physician who actively treats the emergency medical condition of a beneficiary at an emergency facility.

"Beneficiary", a recipient of medical assistance or medical benefits pursuant to this chapter who is treated in an emergency facility for an emergency medical condition.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of a beneficiary or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

"Stabilization for discharge", an emergency medical condition shall be deemed to be stabilized for purposes of discharging a beneficiary, other than for the purpose of transfer from one facility to another facility, when the attending physician has determined that, within



reasonable clinical confidence, the beneficiary has reached the point where further care, including diagnostic work-up or treatment, or both, could be reasonably performed on an outpatient basis or a later scheduled inpatient basis if the beneficiary is given a reasonable plan for appropriate follow-up care and discharge instructions, or as further defined in section 1867(e)(3)(A) of the Social Security Act, 42 U.S.C. section 1395dd(e)(3)(A). Stabilization for discharge does not require final resolution of the emergency medical condition.

"Stabilization for transfer", an emergency medical condition shall be deemed to be stabilized for transfer if a beneficiary can be transferred from one facility to a second facility and the attending physician has determined, within reasonable clinical confidence, that the beneficiary is expected to leave the hospital and be received at a second facility with no material deterioration in his condition, or as further defined in section 1867(c) and (e)(4) of the Social Security Act, 42 U.S.C. section 1395dd(c) and (e)(4). Stabilization for transfer does not require final resolution of the emergency medical condition.

(b) Any program of medical assistance or medical benefits for which the division is the primary payor shall cover emergency services provided to a beneficiary for emergency medical conditions. After the beneficiary has been stabilized for discharge or transfer, the division or its designee may require a hospital emergency department to contact the physician on-call designated by the division or its designee for authorization of post-stabilization services to be provided. The hospital emergency department shall take all reasonable steps to initiate contact with the division or its designee within 30 minutes of stabilization. Such authorization shall be deemed granted if the division or its designee has not responded to said call within 30 minutes. Notwithstanding the foregoing provision, if the attending physician and said on-call physician do not agree on what constitutes appropriate medical treatment, the opinion of the attending physician shall prevail and such treatment shall be considered appropriate treatment for an emergency medical condition, if such treatment is consistent with generally accepted principles of professional medical practice and is a covered benefit under said program of medical assistance or medical benefits. Consistent with the foregoing, the division or its designee may enter into contracts with hospitals or emergency physician groups, or both, for the provision of emergency services.

(c) The division or its designee may require a beneficiary to contact the division or its designee or the primary care physician of the beneficiary within 48 hours of receiving such emergency services, but notification already given to said division, designee, or primary care physician by the attending physician shall satisfy the requirements of this subsection.

(d) Nothing in this section shall be construed to limit retrospective utilization review activities by the division or its designee with respect to screening, stabilization and post-stabilization services for the purposes of assessing quality, utilization patterns and coding and billing practices, but such activities shall not result in retroactive changes to treatment or reimbursement decisions previously made in accordance with this section. In conducting said utilization review activities, the division or its designee shall comply with section 12 of chapter 176O and all applicable state and federal confidentiality provisions.

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(e) The division or its designee shall clearly state in its brochures, contracts, policy manuals and all printed materials that beneficiaries shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever a beneficiary is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services. No beneficiary shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such emergency medical condition.

**SECTION 6.** Chapter 118G of the General Laws is hereby amended by adding the following section:-

Section 24. The division shall develop and issue a document for consumers to be known as the health plan report card, containing information and data providing a basis by which health insurance plans may be evaluated and compared by consumers. The division may contract for the design and production of said report. The report shall be made available to residents of the commonwealth, upon request, by the office of patient protection in the department of public health, and shall be updated and issued annually by said office in consultation with the division. In preparing such report card, the division shall, to the extent possible, use information already reported by health insurance plans, including, but not limited to, the health plan employer data and information set established by the National Committee on Quality Assurance. The division shall consult with the department of public health and the division of insurance in determining the content and format of such report card, and shall make such report card available on the internet site established by the office of patient protection in the department of public health.

**SECTION 7.** Section 24B of chapter 175 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:- Such notices shall include any changes in clinical review criteria, as such term is defined in section 1 of chapter 176O, and a statement of the effect of such changes on the personal liability of the policyholder or subscriber for the cost of any such changes. All notices required by this section shall be provided 60 days before the effective date of such modification.

**SECTION 8.** Said chapter 175 is hereby further amended by inserting after section 47T the following section:-

Section 47U. (a) As used in this section, the following words shall have the following meanings:

"Attending physician", the emergency physician or consultant physician who actively treats the emergency medical condition of an insured at an emergency facility.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of the

insured or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

"Insured", a subscriber or policyholder of a company licensed to sell health and accident insurance in the commonwealth pursuant to this chapter who is treated in an emergency facility for an emergency medical condition.

"Stabilization for discharge", an emergency medical condition shall be deemed to be stabilized for purposes of discharging an insured, other than for the purpose of transfer from one facility to another facility, when the attending physician has determined that, within reasonable clinical confidence, the insured has reached the point where further care, including diagnostic work-up or treatment, or both, could be reasonably performed on an outpatient basis or a later scheduled inpatient basis if the insured is given a reasonable plan for appropriate follow-up care and discharge instructions, or as further defined in section 1867(e)(3)(A) of the Social Security Act, 42 U.S.C. section 1395dd(e)(3)(A). Stabilization for discharge does not require final resolution of the emergency medical condition.

"Stabilization for transfer", an emergency medical condition shall be deemed to be stabilized for transfer if an insured can be transferred from one facility to a second facility and the attending physician has determined, within reasonable clinical confidence, that the insured is expected to leave the hospital and be received at a second facility with no material deterioration in his condition, or as further defined in section 1867(c) and (e)(4) of the Social Security Act, 42 U.S.C. section 1395dd(c) and (e)(4). Stabilization for transfer does not require final resolution of the emergency medical condition.

(b) Any policy of accident or sickness insurance delivered, issued or renewed in the commonwealth pursuant to this chapter shall provide as benefits to all insureds coverage for emergency services provided to an insured for emergency medical conditions. After the insured has been stabilized for discharge or transfer, said policy of insurance may require a hospital emergency department to contact a physician on-call designated by the carrier or its designee for authorization of post-stabilization services to be provided. The hospital emergency department shall take all reasonable steps to initiate contact with the carrier or its designee within 30 minutes of stabilization. Such authorization shall be deemed granted if said carrier or its designee has not responded to said call within 30 minutes. Notwithstanding the foregoing provision, in the event the attending physician and said on-call physician do not agree on what constitutes appropriate medical treatment, the opinion of the attending physician shall prevail and such treatment shall be considered appropriate treatment for an emergency medical condition, provided that such treatment is consistent with generally accepted principles of professional medical practice and is a covered benefit under the policy or contract of the insured with a carrier. Consistent with the foregoing, said carrier or its designee may enter into contracts with hospitals or emergency physician groups, or both, for the provision of emergency services.



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(c) Said policy of insurance may require an insured to contact either the carrier or its designee or the primary care physician of the insured within 48 hours of receiving such emergency services, but notification already given to said carrier, designee or primary care physician by the attending physician shall satisfy the requirements of this subsection.

(d) Nothing in this section shall be construed to limit retrospective utilization review activities by a carrier or its designee with respect to screening, stabilization and post-stabilization services for the purposes of assessing quality, utilization patterns and coding and billing practices, but such activities shall not result in retroactive changes to treatment or reimbursement decisions previously made in accordance with this section. In conducting said utilization review activities, said carrier or its designee shall be in compliance with section 12 of chapter 176O and all applicable state and federal confidentiality provisions.

(e) A carrier or its designee shall clearly state in its brochures, contracts, policy manuals and all printed materials that insureds shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent whenever an insured is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services. No insured shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such emergency medical condition.

**SECTION 9.** Section 108 of said chapter 175, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "expense", in line 462, the first time it appears, the following words:- , medical expense.

**SECTION 10.** Said section 108 of said chapter 175, as so appearing, is hereby further amended by striking out, in line 469, the words "for any claim relating to dental services".

**SECTION 11.** Section 110 of said chapter 175, as so appearing, is hereby amended by inserting after the word "expense", in line 198, the first time it appears, the following words:- , medical expense.

**SECTION 12.** Said section 110 of said chapter 175, as so appearing, is hereby further amended by striking out, in line 205, the words "for any claim relating to dental services".

**SECTION 13.** Section 8 of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out, in lines 38 and 39, the words "for any claims relating to dental services".

**SECTION 14.** Said chapter 176A is hereby further amended by inserting after section 8T the following section:-

Section 8U. (a) As used in this section, the following words shall have the following meanings:-



"Attending physician", the emergency physician or consultant physician who actively treats the emergency medical condition of an insured at an emergency facility.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of an insured or another person's health in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

"Insured", a member or subscriber of a hospital service corporation who is treated in an emergency facility for an emergency medical condition, regardless of whether the member's or subscriber's contract with the corporation is delivered, issued or renewed on a group or individual basis.

"Stabilization for discharge", an emergency medical condition shall be deemed to be stabilized for purposes of discharging an insured, other than for the purpose of transfer from one facility to another facility, when the attending physician has determined that, within reasonable clinical confidence, the insured has reached the point where further care, including diagnostic work-up or treatment, or both, could be reasonably performed on an outpatient basis or a later scheduled inpatient basis if the insured is given a reasonable plan for appropriate follow-up care and discharge instructions, or as further defined in section 1867(e)(3)(A) of the Social Security Act, 42 U.S.C. section 1395dd(e)(3)(A). Stabilization for discharge does not require final resolution of the emergency medical condition.

"Stabilization for transfer", an emergency medical condition shall be deemed to be stabilized for transfer if an insured can be transferred from one facility to a second facility and the attending physician has determined, within reasonable clinical confidence, that the insured is expected to leave the hospital and be received at a second facility with no material deterioration in his condition, or as further defined in section 1867(c) and (e)(4), 42 U.S.C. section 1395dd(c) and (e)(4). Stabilization for transfer does not require final resolution of the emergency medical condition.

(b) Any contract or subscription certificate between an insured and the corporation shall provide as benefits coverage for emergency services provided to an insured for emergency medical conditions. After an insured has been stabilized for discharge or transfer, the corporation or its designee may require a hospital emergency department to contact the physician on-call designated by the corporation or its designee for authorization of post-stabilization services to be provided. The hospital emergency department shall take all reasonable steps to initiate contact with the corporation or its designee within 30 minutes of stabilization. Such authorization shall be deemed granted if the corporation or its designee has not responded to said call within 30 minutes. Notwithstanding the foregoing provision, in the event the attending physician and said on-call physician do not agree on what constitutes appropriate medical treatment, the opinion of the attending physician shall prevail

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and such treatment shall be considered appropriate treatment for an emergency medical condition provided that such treatment is consistent with generally accepted principles of professional medical practice and is a covered benefit under the contract or subscription certificate of an insured with the corporation. Consistent with the foregoing, the corporation or its designee may enter into contracts with hospitals or emergency physician groups, or both, for the provision of emergency services.

(c) Any contract or subscription certificate between an insured and the hospital service corporation may require an insured to contact the corporation or its designee or the primary care physician of the insured within 48 hours of receiving such emergency services, but notification already given to the corporation, its designee or to said primary care physician by the attending physician shall satisfy the requirements of this paragraph.

(d) Nothing in this section shall be construed to limit retrospective utilization review activities by the corporation or its designee with respect to screening, stabilization and post-stabilization services for the purposes of assessing quality, utilization patterns and coding and billing practices, but such activities shall not result in retroactive changes to treatment or reimbursement decisions previously made in accordance with this section. In conducting said utilization review activities, the corporation or its designee shall be in compliance with section 12 of chapter 176O and all applicable state and federal confidentiality provisions.

(e) The corporation or its designee shall clearly state in its brochures, contracts, policy manuals and all printed materials that insureds shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever an insured is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services. No insured shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such emergency medical condition.

**SECTION 15.** Chapter 176B of the General Laws is hereby amended by inserting after section 4T the following section:-

Section 4U. (a) As used in this section, the following words shall have the following meanings:-

"Attending physician", the emergency physician or consultant physician who actively treats the emergency medical condition of an insured at an emergency facility.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of an insured or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

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"Insured", a member or subscriber of a medical service corporation who is treated in an emergency facility for an emergency medical condition, regardless of whether the member's or subscriber's contract with the corporation is delivered, issued or renewed on a group or individual basis.

"Stabilization for discharge", an emergency medical condition shall be deemed to be stabilized for purposes of discharging an insured, other than for the purpose of transfer from one facility to another facility, when the attending physician has determined that, within reasonable clinical confidence, the insured has reached the point where further care, including diagnostic work-up or treatment, or both, could be reasonably performed on an outpatient basis or a later scheduled inpatient basis if the insured is given a reasonable plan for appropriate follow-up care and discharge instructions, or as further defined in section 1867(e)(3)(A) of the Social Security Act, 42 U.S.C. section 1395dd(e)(3)(A). Stabilization for discharge does not require final resolution of the emergency medical condition.

"Stabilization for transfer", an emergency medical condition shall be deemed to be stabilized for transfer if an insured can be transferred from one facility to a second facility and the attending physician has determined, within reasonable clinical confidence, that the insured is expected to leave the hospital and be received at a second facility with no material deterioration in his condition, or as further defined in section 1867(c) and (e)(4) of the Social Security Act, 42 U.S.C. section 1395dd(c) and (e)(4). Stabilization for transfer does not require final resolution of the emergency medical condition.

(b) Any contract or subscription certificate between an insured and the corporation shall provide as benefits coverage for emergency services provided to an insured for emergency medical conditions. After an insured has been stabilized for discharge or transfer, the corporation or its designee may require a hospital emergency department to contact the physician on call designated by the corporation or its designee for authorization of post-stabilization services to be provided. The hospital emergency department shall take all reasonable steps to initiate contact with said corporation or its designee within 30 minutes of stabilization. Such authorization shall be deemed granted if said corporation or its designee has not responded to said call within 30 minutes. Notwithstanding the foregoing provision, in the event the attending physician and said on-call physician do not agree on what constitutes appropriate medical treatment, the opinion of the attending physician shall prevail and such treatment shall be considered appropriate treatment for an emergency medical condition provided that such treatment is consistent with generally accepted principles of professional medical practice and is a covered benefit under the contract or subscription certificate of an insured with the corporation. Consistent with the foregoing, said corporation or its designee may enter into contracts with hospitals or emergency physician groups, or both, for the provision of emergency services.

(c) Any contract or subscription certificate between an insured and the medical service corporation may require an insured to contact either the corporation or its designee or the primary care physician of the insured within 48 hours of receiving such emergency services, but notification already given to said corporation, designee or said primary care physician by the attending physician shall satisfy the requirements of this paragraph.



(d) Nothing in this section shall be construed to limit retrospective utilization review activities by said corporation or its designee with respect to screening, stabilization and post-stabilization services for the purposes of assessing quality, utilization patterns and coding and billing practices, but such activities shall not result in retroactive changes to treatment or reimbursement decisions previously made in accordance with this section. In conducting said utilization review activities, said corporation or its designee shall be in compliance with section 12 of chapter 176O and all applicable state and federal confidentiality provisions.

(e) The corporation or its designee shall clearly state in its brochures, contracts, policy manuals and all printed materials that insureds shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever an insured is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services. No insured shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such emergency medical condition.

**SECTION 16.** Section 7 of chapter 176B, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 66, the word "sixty" and inserting in place thereof the following figure:- 45.

**SECTION 17.** Said section 7 of said chapter 176B, as so appearing, is hereby further amended by striking out, in lines 81 and 82, the words "for any claim relating to dental services".

**SECTION 18.** Said section 7 of said chapter 176B, as so appearing, is hereby further amended by striking out, in line 84, the word "sixty" and inserting in place thereof the following figure:- 45.

**SECTION 19.** Chapter 176G of the General Laws is hereby amended by striking out section 5, as so appearing, and inserting in place thereof, the following section:-

Section 5. (a) As used in this section, the following words shall have the following meanings:-

"Attending physician", the emergency physician or consultant physician who actively treats the emergency medical condition of a member at an emergency facility.

"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of a member or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).



"Stabilization for discharge", an emergency medical condition shall be deemed to be stabilized for purposes of discharging a member, other than for the purpose of transfer from one facility to another facility, when the attending physician has determined that, within reasonable clinical confidence, the member has reached the point where further care, including diagnostic work-up or treatment, or both, could be reasonably performed on an outpatient basis or a later scheduled inpatient basis if the member is given a reasonable plan for appropriate follow-up care and discharge instructions, or as further defined in section 1867(e)(3)(A) of the Social Security Act, 42 U.S.C. section 1395dd(e)(3)(A). Stabilization for discharge does not require final resolution of the emergency medical condition.

"Stabilization for transfer", an emergency medical condition shall be deemed to be stabilized for transfer if a member can be transferred from one facility to a second facility and the attending physician has determined, within reasonable clinical confidence, that the member is expected to leave the hospital and be received at a second facility with no material deterioration in his condition, or as further defined in section 1867(c) and (e)(4) of the Social Security Act, 42 U.S.C. section 1395dd(c) and (e)(4). Stabilization for transfer does not require final resolution of the emergency medical condition.

(b) A health maintenance organization shall cover emergency services provided to members for emergency medical conditions. After the member has been stabilized for discharge or transfer, the health maintenance organization or its designee may require a hospital emergency department to contact the physician on-call designated by the health maintenance organization or its designee for authorization of post-stabilization services to be provided. The hospital emergency department shall take all reasonable steps to initiate contact with the health maintenance organization or its designee within 30 minutes of stabilization. Such authorization shall be deemed granted if the health maintenance organization or its designee has not responded to said call within 30 minutes. Notwithstanding the foregoing provision, in the event the attending physician and said on-call physician do not agree on what constitutes appropriate medical treatment, the opinion of the attending physician shall prevail and such treatment shall be considered appropriate treatment for an emergency medical condition provided that such treatment is consistent with generally accepted principles of professional medical practice and a covered benefit under the member's evidence of coverage. Consistent with the foregoing, a health maintenance organization may enter into contracts with hospitals or emergency physician groups, or both, for the provision of emergency services.

(c) A health maintenance organization may require a member to contact either the health maintenance organization or its designee or the primary care physician of the member within 48 hours of receiving such emergency services, but notification already given to the health maintenance organization or to said primary care physician by the attending physician shall satisfy the requirements of this paragraph.

(d) Nothing in this section shall be construed to limit retrospective utilization review activities by a health maintenance organization with respect to screening, stabilization and

post-stabilization services for the purposes of assessing quality, utilization patterns and coding and billing practices, but such activities shall not result in retroactive changes to treatment or reimbursement decisions previously made in accordance with this section. In conducting said utilization review activities, the health maintenance organization shall be in compliance with section 12 of chapter 176O and all applicable state and federal confidentiality provisions.

(e) A health maintenance organization shall clearly state in its brochures, contracts, policy manuals and printed materials that members shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever an enrollee is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services. No member shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of an emergency medical condition.

(f) A health maintenance organization shall provide or arrange for indemnity payments to a member or provider for a reasonable amount charged for the cost of emergency medical services by a provider who is not normally affiliated with the health maintenance organization when the member requires services for an emergency medical condition. Said indemnity payment under this section shall not be subject to the insurance laws of the commonwealth.

**SECTION 20.** Section 6 of said chapter 176G, as so appearing, is hereby amended by adding the following paragraph:-

No contract between a participating provider of health care services and a health maintenance organization shall be issued or delivered in the commonwealth unless it contains a provision requiring that within 45 days after the receipt by the organization of completed forms for reimbursement to the provider of health care services, the health maintenance organization shall (i) make payments for such services provided, (ii) notify the provider in writing of the reason or reasons for nonpayment, or (iii) notify the provider in writing of what additional information or documentation is necessary to complete said forms for such reimbursement. If the health maintenance organization fails to comply with this paragraph for any claims related to the provision of health care services, said health maintenance organization shall pay, in addition to any reimbursement for health care services provided, interest on such benefits, which shall accrue beginning 45 days after the health maintenance organization's receipt of request for reimbursement at the rate of 1.5 per cent per month, not to exceed 18 per cent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim that the health maintenance organization is investigating because of suspected fraud.

**SECTION 21.** Section 7 of said chapter 176G is hereby repealed.

**SECTION 22.** Said chapter 176G is hereby further amended by striking out section 14, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 14. Each applicant for licensure or licensure renewal for a health maintenance organization shall submit to the commissioner for his approval and to the office of patient protection in the department of public health such materials as the commissioner shall by regulation require, in a form approved by the commissioner. Said materials shall include, but not be limited to:

(1) a copy of the basic organization document such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents establishing the health maintenance organization;

(2) a copy of the by-laws, rules and regulations, or similar document, regulating the conduct of the internal affairs of the applicant;

(3) a statement generally describing the health maintenance organization, its health care plan or plans, facilities and personnel;

(4) an internal operations plan, including an organizational chart, description of organizational structure, a description of the service area and provider network, the roles, functions, responsibilities of and interrelationships among providers, and the methods of provider reimbursement and risk-sharing arrangements;

(5) a provider inventory, including a listing of providers by specialty, a calculation of physician to population ratios, and an inventory of owned, operated, contracting and participating provider facilities, including, but not limited to, hospitals, skilled nursing facilities, home health care and medical care services;

(6) a copy of every contract form made or to be made between the applicant and any providers of health services, copies of administrative contracts, and a statement of written procedures and standards for the prior review and approval by the applicant of provider subcontracts;

(7) a copy of the form of evidence of coverage to be issued to the members;

(8) a copy of the form of group contract, if any, which is to be issued to employers, unions, trustees, or other organizations;

(9) financial statements showing the applicant's assets, liabilities, and sources of working capital and other sources of financial support and projections of the results of operations for the succeeding three years;

(10) a financial plan, including a statement indicating when the applicant estimates that income from operations will equal expenses, a statement of the applicant's plan to establish and maintain sufficient reserves to cover projected risks, copies of reinsurance or other agreements to provide for provision of contracted health services in the event the applicant is unable to provide such services for any reason, and a detailed description of mechanisms to monitor the financial solvency of any organization contraction with the applicant that assumes substantial financial risk for the provision of health services;

(11) a plan for compliance with section 15, including copies of any contract or agreement with a carrier for reinsurance;

(12) an enrollment and marketing plan describing the marketing methods, anticipated enrollment, the service area population and utilization rates projected for health services delivered in the organization's service area;

(13) a utilization plan describing inpatient and outpatient utilization review measures and a statement of actuarial review and certification of actuarial assumptions made regarding utilization as applied to projected financial statements;

(14) premium rates for all products offered;

(15) a member services plan, including a statement of procedures to be used to maintain member confidentiality of medical records, grievances, and quality assurance study responses;

(16) a detailed description of the quality assurance system;

(17) a detailed description of the formal internal grievance system including procedures for the registration and resolution of member grievances, and, for renewal applications only, the total number and disposition of malpractice claims and other claims relating to the service or care rendered by the health maintenance organization made by, or on behalf of, members of the organization that were settled or resulted in a judgment during the year by the health maintenance organization; and

(18) evidence of compliance with chapter 176O. Any applicant accredited by the managed care bureau established under section 2 of said chapter 176O shall be deemed to meet the requirements of this chapter with respect to requirements with any utilization review standards.

A license granted to a health maintenance organization pursuant to this section shall be renewed on an annual basis. The fee for such renewal, in an amount determined by the commissioner, shall be no less than \$500.

**SECTION 23.** Section 1 of chapter 176I of the General Laws, as so appearing, is hereby amended by striking out the definition of "Emergency care" and inserting in place thereof the following definition:-

"Emergency care", services provided in or by a hospital emergency facility to a covered person after the development of a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the covered person's or another person's health in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

**SECTION 24.** Section 2 of said chapter 176I, as so appearing, is hereby amended by adding the following paragraph:-



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No organization may enter into a preferred provider arrangement with one or more health care providers unless said written arrangement contains a provision requiring that within 45 days after the receipt by the organization of completed forms for reimbursement to the health care provider, the organization shall (i) make payments for the provision of such services, (ii) notify the provider in writing of the reason or reasons for nonpayment, or (iii) notify the provider in writing of what additional information or documentation is necessary to complete said forms for such reimbursement. If the organization fails to comply with the provisions of this paragraph for any claims related to the provision of health care services, said organization shall pay, in addition to any reimbursement for health care services provided, interest on such benefits, which shall accrue beginning 45 days after the organization's receipt of request for reimbursement at the rate of 1.5 per cent per month, not to exceed 18 per cent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim that the organization is investigating because of suspected fraud.

**SECTION 25.** Section 3 of said chapter 176I, as so appearing, is hereby amended by inserting after the word "provider", in line 13, the following words:- ; provided, however, that every brochure, contract, policy manual and all printed materials shall clearly state that covered persons shall have the option of calling the local pre-hospital emergency medical service system by dialing the emergency telephone access number 911, or its local equivalent, whenever a covered person is confronted with a need for emergency care, and no covered person shall in any way be discouraged from using the local pre-hospital emergency medical service system, the 911 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such use of emergency care;.

**SECTION 26.** Section 9 of said chapter 176I, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- An organization which offers or administers a health benefit plan or furnishes workers' compensation, under a preferred provider arrangement shall be subject to all of the provisions of its enabling or licensing statute and of any other provisions of the general laws applicable thereto, including but not limited to, the provisions of chapter 176O and any benefits required to be provided by law.

**SECTION 27.** The General Laws are hereby amended by inserting after chapter 176N the following chapter:-

### **CHAPTER 176O.**

#### **HEALTH INSURANCE CONSUMER PROTECTIONS.**

Section 1. As used in this chapter, the following words shall have the following meanings:-

"Adverse determination", a determination, based upon a review of information provided by a carrier or its designated utilization review organization, to deny, reduce, modify, or terminate an admission, continued inpatient stay, or the availability of any other health care services, for failure to meet the requirements for coverage based on medical necessity, appropriateness of health care setting and level of care, or effectiveness.

"Ambulatory review", utilization review of health care services performed or provided in an outpatient setting, including, but not limited to, outpatient or ambulatory surgical, diagnostic and therapeutic services provided at any medical, surgical, obstetrical, psychiatric and chemical dependency facility, as well as other locations such as laboratories, radiology facilities, provider offices and patient homes.

"Capitation", a set payment per patient per unit of time made by a carrier to a licensed health care professional, health care provider group or organization that employs or utilizes services of health care professionals to cover a specified set of services and administrative costs without regard to the actual number of services provided.

"Carrier", an insurer licensed or otherwise authorized to transact accident or health insurance under chapter 175; a nonprofit hospital service corporation organized under chapter 176A; a nonprofit medical service corporation organized under chapter 176B; a health maintenance organization organized under chapter 176G; and an organization entering into a preferred provider arrangement under chapter 176I, but not including an employer purchasing coverage or acting on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of the employer.

"Case management", a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions.

"Clinical peer reviewer", a physician or other health care professional, other than the physician or other health care professional who made the initial decision, who holds a non-restricted license from the appropriate professional licensing board in the commonwealth, current board certification from a specialty board approved by the American Board of Medical Specialties or of the Advisory Board of Osteopathic Specialists from the major areas of clinical services or, for non-physician health care professionals, the recognized professional board for their specialty, who actively practices in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, and whose compensation does not directly or indirectly depend upon the quantity, type or cost of the services that such person approves or denies.

"Clinical review criteria", the written screening procedures, decisions, abstracts, clinical protocols and practice guidelines used by a carrier to determine the medical necessity and appropriateness of health care services.

"Commissioner", the commissioner of insurance.

"Concurrent review", utilization review conducted during an insured's inpatient hospital stay or course of treatment.

"Covered benefits" or "benefits", health care services to which an insured is entitled under the terms of the health benefit plan.

"Discharge planning", the formal process for determining, prior to discharge from a facility, the coordination and management of the care that an insured receives following discharge from a facility.

"Division", the division of insurance.

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"Emergency medical condition", a medical condition, whether physical or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of the insured or another person in serious jeopardy, serious impairment to body function, or serious dysfunction of any body organ or part, or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U.S.C. section 1395dd(e)(1)(B).

"Facility", a licensed institution providing health care services or a health care setting, including, but not limited to, hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

"Grievance", any oral or written complaint submitted to the carrier which has been initiated by an insured, or on behalf of an insured with the consent of the insured, concerning any aspect or action of the carrier relative to the insured, including, but not limited to, review of adverse determinations regarding scope of coverage, denial of services, quality of care and administrative operations, in accordance with the requirements of this chapter.

"Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Health care professional", a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with law.

"Health care provider" or "provider", a health care professional or a facility.

"Health care services", services for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease.

"Incentive plan", any compensation arrangement between a carrier and licensed health care professional or licensed health care provider group or organization that employs or utilizes services of one or more licensed health care professionals that may directly or indirectly have the effect of reducing or limiting services furnished to insureds of the organization.

"Insured", an enrollee, covered person, insured, member, policyholder or subscriber of a carrier, including an individual whose eligibility as an insured of a carrier is in dispute or under review, or any other individual whose care may be subject to review by a utilization review program or entity as described under other provisions of this chapter.

"Licensed health care provider group", a partnership, association, corporation, individual practice association, or other group that distributes income from the practice among members. An individual practice association is a licensed health care provider group only if it is composed of individual health care professionals and has no subcontracts with licensed health care provider groups.

"Medical necessity" or "medically necessary", health care services that are consistent with generally accepted principles of professional medical practice.



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"National accreditation organization", the American accreditation health care commission/URAC, the National Committee for Quality Assurance, or any other national accreditation entity approved by the division that accredits carriers subject to the provisions of this chapter.

"Network", a grouping of health care providers who contract with a carrier to provide services to insureds covered by any or all of the carrier's plans, policies, contracts or other arrangements.

"Office of patient protection", the office in the department of public health established by section 217 of chapter 111, responsible for the administration and enforcement of sections 13, 14, 15 and 16.

"Participating provider", a provider who, under a contract with the carrier or with its contractor or subcontractor, has agreed to provide health care services to insureds with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the carrier.

"Person", an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or combination of the foregoing.

"Prospective review", utilization review conducted prior to an admission or a course of treatment and shall include any pre-authorization and pre-certification requirements of a carrier or utilization review organization.

"Religious non-medical provider", a provider who provides no medical care but who provides only religious non-medical treatment or religious non-medical nursing care.

"Retrospective review", utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment.

"Second opinion", an opportunity or requirement to obtain a clinical evaluation by a health care professional other than the health care professional who made the original recommendation for a proposed health service, to assess the clinical necessity and appropriateness of the initial proposed health service.

"Terminally ill", an illness which is likely, within a reasonable degree of medical certainty, to cause one's death within six months, or as otherwise defined in section 1861(dd)(3)(A) of the Social Security Act, 42 U.S.C. section 1395x(dd)(3)(A).

"Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures or settings. Such techniques may include, but are not limited to, ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review.

"Utilization review organization", an entity that conducts utilization review, other than a carrier performing utilization review for its own health benefit plans.



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Section 2. (a) There is hereby established within the division a bureau of managed care. Said bureau shall by regulation establish minimum standards for the accreditation of carriers in the following areas:

- (1) utilization review;
- (2) quality management and improvement;
- (3) credentialing;
- (4) preventive health services; and
- (5) compliance with sections 2 to 12, inclusive.

(b) In establishing said minimum standards, the bureau shall consult and use, where appropriate, standards established by national accreditation organizations. Notwithstanding the foregoing, the bureau shall not be bound by said standards established by such organizations, but wherever the bureau promulgates standards different from said national standards, it shall (1) do so pursuant to chapter 30A, (2) state the reason for such variation, and (3) take into consideration any projected compliance costs for such variation. Accreditation by the bureau shall be valid for a period of 12 months.

(c) Regulations promulgated by the bureau shall be consistent with and not duplicate or overlap with the regulations promulgated by the office of patient protection in the department of public health established by section 217 of chapter 111.

(d) A carrier that contracts with another entity to perform some or all of the functions governed by this chapter shall be responsible for ensuring compliance by said entity with the provisions of this chapter. Any failure by said entity to meet the requirements of this chapter shall be the responsibility of the carrier to remedy and shall subject the carrier to any and all enforcement actions, including financial penalties, authorized under this chapter.

(e) A carrier may apply to the bureau for deemed accreditation status. A carrier may be deemed to be in compliance with the bureau's standards, and may be so accredited by the bureau, only if the carrier, or an entity with which it contracts: (1) is accredited by a national accreditation organization; (2) is in compliance with all of the requirements of this chapter; and (3) demonstrates compliance with, and has obtained the highest possible rating from said national accreditation organization for: (i) utilization review, (ii) quality management, and (iii) member rights and responsibilities, as promulgated by the bureau pursuant to this chapter. The bureau shall publish by regulation the highest possible rating level in each such category used by every national accreditation organization recognized by the bureau. Nothing in this subsection shall be construed to require a carrier, as a condition of certification, to be in compliance at the highest possible rating with each of the accreditation requirements of a national accreditation organization.

(f) A carrier which is not accredited by the bureau pursuant to this section, and is not otherwise exempt from accreditation, shall not offer for sale, provide, or arrange for the provision of a defined set of health care services to insureds through affiliated and contracting providers or employ utilization review in making decisions about whether services are covered benefits under a health benefit plan.

(g) A carrier shall be exempt from accreditation if in the written opinion of the attorney general, the commissioner of insurance and the commissioner of public health, the health and safety of health care consumers would be materially jeopardized by requiring accreditation of the carrier. Before publishing such written exemption, the attorney general, the commissioner of insurance and the commissioner of public health shall jointly hold at least one public hearing at which testimony from interested parties on the subject of the exemption shall be solicited. A carrier granted such an exemption shall be provisionally accredited and, during such provisional accreditation, shall be subject to review not less than every four months and shall be subject to those requirements of this chapter as deemed appropriate by the commissioner of insurance.

(h) Nothing in this chapter shall relieve any carrier of its obligations pursuant to the applicable provisions of chapters 175, 176A, 176B, 176G and 176I. Compliance with such applicable provisions of chapter 175, 176A, 176B, 176G and 176I shall be a condition of accreditation.

Section 3. (a) The bureau shall investigate all complaints made against a carrier or any entity with which it contracts for allegations of noncompliance with the accreditation requirements established by section 2. The bureau shall notify a carrier when, in the opinion of the bureau, the complaints made against such a carrier indicate a pattern of noncompliance with a particular accreditation requirement. The notice shall detail the alleged noncompliance and establish a hearing date for the matter, which shall be held no later than 21 days after the date of the notice. The hearing shall be conducted pursuant to chapter 30A. The hearing shall provide such a carrier with the opportunity to respond to the alleged noncompliance.

(b) The bureau may, after said hearing, suspend or revoke the accreditation of such a carrier, or reprimand, censure or impose a civil administrative penalty not to exceed \$10,000 for each classification of violation.

(c) If, after said hearing, the bureau determines that such a pattern of noncompliance has been substantiated, the bureau may issue an order requesting a corrective action plan and timeframe to achieve compliance.

(d) If a national accreditation organization takes any action to revoke the accreditation or otherwise limit or negatively affect the accreditation status of a carrier, or any entity with which it contracts for services regulated under this chapter, such carrier shall promptly notify the bureau. If a national accreditation entity revokes such accreditation, the carrier shall not be eligible for deemed accreditation status, and the bureau shall initiate proceedings pursuant to chapter 30A to revoke or suspend the carrier's accreditation.

(e) Nothing in this section shall be construed to prohibit the bureau and a carrier from resolving compliance issues through informal means.

(f) Accreditation granted to carriers pursuant to this section shall be renewed on an annual basis. The fee for such renewal shall be in an amount determined by the commissioner, but shall be no less than \$500.

Section 4. A carrier shall not refuse to contract with or compensate for covered services an otherwise eligible health care provider solely because such provider has in good

faith communicated with or advocated on behalf of one or more of his prospective, current or former patients regarding the provisions, terms or requirements of the carrier's health benefit plans as they relate to the needs of such provider's patients, or communicated with one or more of his prospective, current or former patients with respect to the method by which such provider is compensated by the carrier for services provided to the patient. Nothing in this section shall be construed to preclude a carrier from requiring a health care provider to hold confidential specific compensation terms.

Section 5. No contract between a carrier and a health care provider for the provision of services to insureds may require the health care provider to indemnify the carrier for any expenses and liabilities, including, without limitation, judgments, settlements, attorneys' fees, court costs and any associated charges, incurred in connection with any claim or action brought against the carrier based on the carrier's management decisions, utilization review provisions or other policies, guidelines or actions.

Section 6. (a) A carrier shall issue and deliver to at least one adult insured in each household residing in the commonwealth, upon enrollment, an evidence of coverage and any amendments thereto. Said evidence of coverage shall contain a clear, concise and complete statement of:

(1) the health care services and any other benefits which the insured is entitled to on a nondiscriminatory basis;

(2) the prepaid fee which must be paid by or on behalf of the insured;

(3) the limitations on the scope of health care services and any other benefits to be provided, including an explanation of any deductible or copayment feature and all restrictions relating to preexisting condition exclusions;

(4) the locations where, and the manner in which, health care services and other benefits may be obtained;

(5) the criteria by which an insured may be disenrolled or denied enrollment and the involuntary disenrollment rate among insureds of the carrier;

(6) a description of the carrier's method for resolving insured complaints, including a description of the formal internal grievance process required by section 13, and the external grievance process established pursuant to section 14, for appealing decisions pursuant to said grievances, as required by this chapter;

(7) the requirement that an insured's coverage may be canceled, or its renewal refused, only in the following circumstances: (i) failure by the insured or other responsible party to make payments required under the contract; (ii) misrepresentation or fraud on the part of the insured; (iii) commission of acts of physical or verbal abuse by the insured which pose a threat to providers or other insureds of the carrier and which are unrelated to the physical or mental condition of the insured; provided, that the commissioner prescribes or approves the procedures for the implementation of the provisions of this clause; (iv) relocation of the insured outside the service area of the carrier; and (v) non-renewal or cancellation of the group contract through which the insured receives coverage;

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(8) a summary description of the procedure, if any, for out-of-network referrals and any additional charge for utilizing out-of-network providers;

(9) a summary description of the utilization review procedures and quality assurance programs used by the carrier, including the toll-free telephone number to be established by the carrier that enables consumers to determine the status or outcome of utilization review decisions;

(10) a statement detailing what translator and interpretation services are available to assist insureds; provided, that the commissioner shall determine in which languages other than English such statement shall be printed;

(11) a list of prescription drugs excluded from any restricted formulary available to insureds under the health benefit plan; provided, that the carrier shall annually disclose any changes in such a formulary, and shall provide a toll-free telephone number to enable consumers to determine whether a particular drug is included in the formulary;

(12) a summary description of the procedures followed by the carrier in making decisions about the experimental or investigational nature of individual drugs, medical devices or treatments in clinical trials;

(13) a statement on how to obtain the report regarding grievances from the office of patient protection pursuant to paragraph (2) of subsection (a) of section 217 of chapter 111;

(14) the toll-free telephone number, facsimile number, and internet site for the office of patient protection in the department of public health; and

(15) such other information as the commissioner may by regulation require.

Section 7. (a) A carrier shall provide to at least one adult insured in each household upon enrollment, and to a prospective insured upon request, the following information:

(1) a list of health care providers in the carrier's network, organized by specialty and by location and summarizing for each such provider the method used to compensate or reimburse such provider; provided, however, that nothing in this clause shall be construed to require disclosure of the specific details of any financial arrangements between a carrier and a provider; provided, further, that if any specific providers or type of providers requested by an insured are not available in said network, or are not a covered benefit, such information shall be provided in an easily obtainable manner;

(2) a statement that physician profiling information, so-called, may be available from the board of registration in medicine;

(3) a summary description of the process by which clinical guidelines and utilization review criteria are developed;

(4) the voluntary and involuntary disenrollment rate among insureds of the carrier;

(5) a statement that insureds have the opportunity to obtain health care services for an emergency medical condition, including the option of calling the local pre-hospital emergency medical service system, whenever the insured is confronted with an emergency medical condition which in the judgment of a prudent layperson would require pre-hospital emergency services; and



(6) a statement that the information specified in paragraph (b) is available to the insured or prospective insured from the office of patient protection in the department of public health.

(b) A carrier shall provide all of the information required under section 6 and subsection (a) of this section to the office of patient protection in the department of public health and, in addition, shall provide to said office the following information:

(1) a list of sources of independently published information assessing insured satisfaction and evaluating the quality of health care services offered by the carrier;

(2) the percentage of physicians who voluntarily and involuntarily terminated participation contracts with the carrier during the previous calendar year for which such data has been compiled and the three most common reasons for voluntary and involuntary physician disenrollment;

(3) the percentage of premium revenue expended by the carrier for health care services provided to insureds for the most recent year for which information is available; and

(4) a report detailing, for the previous calendar year, the total number of: (i) filed grievances, grievances that were approved internally, grievances that were denied internally, and grievances that were withdrawn before resolution; and (ii) external appeals pursued after exhausting the internal grievance process and the resolution of all such external appeals. The report shall identify for each such category, to the extent such information is available, the demographics of such insureds, which shall include, but need not be limited to, race, gender and age.

Section 8. A carrier neglecting to make and file its annual statement or the materials required by the commissioner to be filed with the division under this chapter or under chapter 176G in the form and within the time required thereby shall be fined \$5,000 for each day during which such neglect continues after being notified by said commissioner of such neglect, and, after notice and a hearing by the commissioner to that effect, its authority to do new business shall cease while such neglect continues.

Section 9. A carrier shall annually provide a written attestation to the commissioner that the utilization review program of the carrier or its designee complies with all applicable state and federal laws concerning confidentiality and reporting requirements.

Section 10. (a) No contract between a carrier and a licensed health care provider group shall contain any incentive plan that includes a specific payment made to a health care professional as an inducement to reduce, delay or limit specific, medically necessary services covered by the health care contract. Health care professionals shall not profit from provision of covered services that are not medically necessary and appropriate. Carriers shall not profit from denial or withholding of covered services that are medically necessary and appropriate. Nothing in this section shall be construed to prohibit contracts that contain incentive plans that involve general payments such as capitation payments or shared risk agreements that are made with respect to physicians or physician groups or which are made with respect to groups of insureds if such contracts, which impose risk on such physicians or physician groups for the costs of medical care, services and equipment provided or authorized by another physician or health care provider, comply with subsection (b).

(b) In order that patient care decisions are based on medical need and not on financial incentives, no carrier shall enter into a new contract, revise the risk arrangements in an existing contract, or after July 1, 2001, revise the fee schedule in an existing contract with a physician or physician group which imposes financial risk on such physician or physician group for the costs of medical care, services or equipment provided or authorized by another physician or health care provider unless such contract includes specific provisions with respect to the following: (1) stop loss protection, (2) minimum patient population size for the physician or physician group, and (3) identification of the health care services for which the physician or physician group is at risk.

(c) A carrier or utilization review organization shall conduct an annual survey of insureds to assess satisfaction with access to specialist services, ancillary services, hospitalization services, durable medical equipment and other covered services. Said survey shall compare the actual satisfaction of insureds with projected measures of their satisfaction. Carriers that utilize incentive plans shall establish mechanisms for monitoring the satisfaction, quality of care and actual utilization compared with projected utilization of health care services of insureds.

Section 11. Nothing in this chapter shall be construed to restrict or limit the rights of health benefit plans to include as providers religious non-medical providers, require such health benefit plans to utilize medically based eligibility standards or criteria in deciding provider status for religious non-medical providers, use medical professionals or criteria to decide insured access to religious non-medical providers, utilize medical professionals or criteria in making decisions in internal appeals from decisions denying or limiting coverage or care by religious non-medical providers, compel an insured to undergo a medical examination or test as a condition of receiving coverage for treatment by a religious non-medical provider, or require such health benefit plans to exclude religious non-medical providers because they do not provide medical or other data otherwise required, if such data is inconsistent with the religious non-medical treatment or nursing care provided by the provider.

Section 12. (a) Utilization review conducted by a carrier or a utilization review organization shall be conducted pursuant to a written plan, under the supervision of a physician and staffed by appropriately trained and qualified personnel, and shall include a documented process to (i) review and evaluate its effectiveness, (ii) ensure the consistent application of utilization review criteria, and (iii) ensure the timeliness of utilization review determinations.

A carrier or utilization review organization shall adopt utilization review criteria and conduct all utilization review activities pursuant to said criteria. The criteria shall be, to the maximum extent feasible, scientifically derived and evidence-based, and developed with the input of participating physicians, consistent with the development of medical necessity criteria pursuant to the provisions of section 16. Utilization review criteria shall be applied consistently by a carrier or a utilization review organization.

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Adverse determinations rendered by a program of utilization review, or other denials of requests for health services, shall be made by a person licensed in the appropriate specialty related to such health service and, where applicable, by a provider in the same licensure category as the ordering provider.

(b) A carrier or utilization review organization shall make an initial determination regarding a proposed admission, procedure or service that requires such a determination within two working days of obtaining all necessary information. For purposes of this section, "necessary information" shall include the results of any face-to-face clinical evaluation or second opinion that may be required. In the case of a determination to approve an admission, procedure or service, the carrier or utilization review organization shall notify the provider rendering the service by telephone within 24 hours, and shall provide written or electronic confirmation of the telephone notification to the insured and the provider within two working days thereafter. In the case of an adverse determination, the carrier or utilization review organization shall notify the provider rendering the service by telephone within 24 hours, and shall provide written or electronic confirmation of the telephone notification to the insured and the provider within one working day thereafter.

(c) A carrier or utilization review organization shall make a concurrent review determination within one working day of obtaining all necessary information. In the case of a determination to approve an extended stay or additional services, the carrier or utilization review organization shall notify by telephone the provider rendering the service within one working day, and shall provide written or electronic confirmation to the insured and the provider within one working day thereafter. A written or electronic notification shall include the number of extended days or the next review date, the new total number of days or services approved, and the date of admission or initiation of services. In the case of an adverse determination, the carrier or utilization review organization shall notify by telephone the provider rendering the service within 24 hours, and shall provide written or electronic notification to the insured and the provider within one working day thereafter. The service shall be continued without liability to the insured until the insured has been notified of the determination.

(d) The written notification of an adverse determination shall include a substantive clinical justification therefor that is consistent with generally accepted principles of professional medical practice, and shall, at a minimum: (1) identify the specific information upon which the adverse determination was based; (2) discuss the insured's presenting symptoms or condition, diagnosis and treatment interventions and the specific reasons such medical evidence fails to meet the relevant medical review criteria; (3) specify any alternative treatment option offered by the carrier, if any; and (4) reference and include applicable clinical practice guidelines and review criteria.

(e) A carrier or utilization review organization shall give a provider treating an insured an opportunity to seek reconsideration of an adverse determination from a clinical peer reviewer in any case involving an initial determination or a concurrent review determination. Said reconsideration process shall occur within one working day of the receipt



of the request and shall be conducted between the provider rendering the service and the clinical peer reviewer or a clinical peer designated by the clinical peer reviewer if said reviewer cannot be available within one working day. If the adverse determination is not reversed by the reconsideration process, the insured, or the provider on behalf of the insured, may pursue the grievance process established pursuant to sections 13 and 14. The reconsideration process allowed herein shall not be a prerequisite to the formal internal grievance process or an expedited appeal required by section 13.

Section 13. (a) A carrier or utilization review organization shall maintain a formal internal grievance process that provides for adequate consideration and timely resolution of grievances, which shall include but not be limited to: (1) a system for maintaining records of each grievance filed by an insured or on his behalf, and responses thereto, for a period of seven years, which records shall be subject to inspection by the commissioner; (2) the provision of a clear, concise and complete description of the carrier's formal internal grievance process and the procedures for obtaining external review pursuant to section 14 with each notice of an adverse determination; (3) the carrier's toll-free telephone number for assisting insureds in resolving such grievances and the consumer assistance toll-free telephone number maintained by the office of patient protection; (4) a written acknowledgement of the receipt of a grievance within 15 days and a written resolution of each grievance within 30 days from receipt thereof; and (5) a procedure to accept grievances by telephone, in person, by mail, or by electronic means, provided that an oral grievance made by an insured shall be reduced to writing by the carrier and a copy thereof forwarded to the insured by the carrier within 48 hours of receipt. The time limits established by this paragraph may be waived or extended by mutual agreement of the insured and the carrier.

(b) The formal internal grievance process maintained by a carrier or utilization review organization shall provide for an expedited resolution of a grievance concerning a carrier's coverage or provision of immediate and urgently needed services. Said expedited resolution policy shall include, but not be limited to:

(i) a resolution before an insured's discharge from a hospital if the grievance is submitted by an insured who is an inpatient in a hospital;

(ii) provisions for the automatic reversal of decisions denying coverage for services or durable medical equipment, pending the outcome of the appeals process, within 48 hours, or earlier for durable medical equipment at the option of the physician responsible for treatment or proposed treatment of the covered patient, of receipt of certification by said physician that, in the physician's opinion, the service or use of durable medical equipment at issue in a grievance or appeal is medically necessary, that a denial of coverage for such services or durable medical equipment would create a substantial risk of serious harm to the patient, and that the risk of that harm is so immediate that the provision of such services or durable medical equipment should not await the outcome of the normal appeal or grievance process, but, in the event said physician exercises the option of automatic reversal earlier than 48 hours for durable medical equipment, he must further certify as to the specific, immediate and severe harm that will result to the patient absent action within the 48 hour



time period;

(iii) a resolution within five days from the receipt of such grievance if submitted by an insured with a terminal illness.

If the expedited review process affirms the denial of coverage or treatment to an insured with a terminal illness, the carrier shall provide the insured, within five business days of the decision (1) a statement setting forth the specific medical and scientific reasons for denying coverage or treatment; (2) a description of alternative treatment, services or supplies covered or provided by the carrier, if any; and (3) said procedure shall allow the insured to request a conference. The carrier or utilization review organization shall schedule such a conference within ten days of receiving such a request from an insured, at which the information provided to the insured pursuant to clauses (1) and (2) shall be reviewed by the insured and a representative of the carrier who has authority to determine the disposition of the grievance. The carrier shall permit attendance at the conference of the insured, a designee of the insured or both, or, if the insured is a minor or incompetent, the parent, guardian or conservator of the insured as appropriate. The conference required by this paragraph shall be held within five business days if the treating physician determines, after consultation with the carrier's medical director or his designee, and based on standard medical practice, that the effectiveness of either the proposed treatment, services or supplies or any alternative treatment, services or supplies covered by the carrier, would be materially reduced if not provided at the earliest possible date.

(c) A grievance not properly acted on by the carrier within the time limits required by this section shall be deemed resolved in favor of the insured.

Section 14. (a) An insured who remains aggrieved by an adverse determination and has exhausted all remedies available from the formal internal grievance process required pursuant to section 13, may seek further review of the grievance by a review panel established by the office of patient protection pursuant to paragraph (5) of subsection (a) of section 217 of chapter 111. The insured shall pay the first \$25 of the cost of the review to said office which may waive the fee in cases of extreme financial hardship. The commonwealth shall assess the carrier for the remainder of the cost of the review pursuant to regulations promulgated by the commissioner of public health in consultation with the commissioner of insurance. The office of patient protection shall contract with at least three unrelated and objective review agencies through a bidding process, and refer grievances to one of the review agencies on a random selection basis. The review agencies shall develop review panels appropriate for the given grievance, which shall include qualified clinical decision-makers experienced in the determination of medical necessity, utilization management protocols and grievance resolution, and shall not have any financial relationship with the carrier making the initial determination. The standard for review of a grievance by such a panel shall be the determination of whether the requested treatment or service is medically necessary, as defined herein, and a covered benefit under the policy or contract. The panel shall consider, but not be limited to considering: (i) written documents submitted by the insured, (ii) additional information from the involved parties or outside sources that

the review panel deems necessary or relevant, and (iii) information obtained from any informal meeting held by the panel with the parties. The panel shall send final written disposition of the grievance, and the reasons therefor, to the insured and the carrier within 60 days of receipt of the request for review, unless the panel determines additional time is necessary to fully and fairly evaluate the grievance and notifies the carrier and the insured of the decision to extend the review beyond 60 days.

(b) If a grievance is filed concerning the termination of ongoing coverage or treatment, the disputed coverage or treatment shall remain in effect through completion of the formal internal grievance process. An insured may apply to the external review panel to seek continued provision of health care services which are the subject of the grievance during the course of said external review upon a showing of substantial harm to the insured's health absent such continuation, or other good cause as determined by the panel.

(c) The decision of the review panel shall be binding. The superior court shall have jurisdiction to enforce the decision of the review panel.

(d) A carrier shall allow a guardian, conservator, holder of a power of attorney, family member, or other responsible party to act as the insured's representative in the event that an insured is unable to pursue a grievance due to physical or mental disability. An insured may designate such a representative or, if the insured is unable to so designate, a guardian, conservator, holder of a power of attorney or family member, in order of priority, may serve as representative or may designate another responsible party to act as representative. The representative shall have the same rights of grievance as the insured, including the right to review the insured's medical file relevant to a dispute concerning coverage or treatment.

(e) The grievance procedures authorized by this section shall be in addition to any other procedures that may be available to any insured pursuant to contract or law, and failure to pursue, exhaust or engage in the procedures described in this subsection shall not preclude the use of any other remedy provided by any contract or law.

(f) No health care provider nor any agent or employee thereof, shall provide information relative to unpaid charges for health care services to a consumer reporting agency, as defined by section 50 of chapter 93, while an internal or external review under this section is pending, or for 15 days following the resolution of such a grievance.

Section 15. (a) A carrier that allows or requires the designation of a primary care physician shall notify an insured at least 30 days before the disenrollment of such insured's primary care physician and shall permit such insured to continue to be covered for health services, consistent with the terms of the evidence of coverage, by such primary care physician for at least 30 days after said physician is disenrolled, other than disenrollment for quality-related reasons or for fraud. Such notice shall also include a description of the procedure for choosing an alternative primary care physician.

(b) A carrier shall allow any female insured who is in her second or third trimester of pregnancy and whose provider in connection with her pregnancy is involuntarily disenrolled, other than disenrollment for quality-related reasons or for fraud, to continue treatment with said provider, consistent with the terms of the evidence of coverage, for the

period up to and including the insured's first postpartum visit.

(c) A carrier shall allow any insured who is terminally ill and whose provider in connection with said illness is involuntarily disenrolled, other than disenrollment for quality-related reasons or for fraud, to continue treatment with said provider, consistent with the terms of the evidence of coverage, until the insured's death.

(d) A carrier shall provide coverage for health services for up to 30 days from the effective date of coverage to a new insured by a physician who is not a participating provider in the carrier's network if: (1) the insured's employer only offers the insured a choice of carriers in which said physician is not a participating provider, and (2) said physician is providing the insured with an ongoing course of treatment or is the insured's primary care physician. With respect to a insured in her second or third trimester of pregnancy, this provision shall apply to services rendered through the first postpartum visit. With respect to an insured with a terminal illness, this provision shall apply to services rendered until death.

(e) A carrier may condition coverage of continued treatment by a provider under subsections (a) to (d), inclusive, upon the provider's agreeing (1) to accept reimbursement from the carrier at the rates applicable prior to notice of disenrollment as payment in full and not to impose cost sharing with respect to the insured in an amount that would exceed the cost sharing that could have been imposed if the provider had not been disenrolled; (2) to adhere to the quality assurance standards of the carrier and to provide the carrier with necessary medical information related to the care provided; and (3) to adhere to such carrier's policies and procedures, including procedures regarding referrals, obtaining prior authorization and providing services pursuant to a treatment plan, if any, approved by the carrier. Nothing in this subsection shall be construed to require the coverage of benefits that would not have been covered if the provider involved remained a participating provider.

(f) A carrier that requires an insured to designate a primary care physician shall allow such a primary care physician to authorize a standing referral for specialty health care provided by a health care provider participating in such carrier's network when (1) the primary care physician determines that such referrals are appropriate, (2) the provider of specialty health care agrees to a treatment plan for the insured and provides the primary care physician with all necessary clinical and administrative information on a regular basis, and (3) the health care services to be provided are consistent with the terms of the evidence of coverage. Nothing in this section shall be construed to permit a provider of specialty health care who is the subject of a referral to authorize any further referral of an insured to any other provider without the approval of the insured's carrier.

(g) No carrier shall require an insured to obtain a referral or prior authorization from a primary care physician for the following specialty care provided by an obstetrician, gynecologist, certified nurse-midwife or family practitioner participating in such carrier's health care provider network: (1) annual preventive gynecologic health examinations, including any subsequent obstetric or gynecological services determined by such obstetrician, gynecologist, certified nurse-midwife or family practitioner to be medically necessary as a result of such examination; (2) maternity care; and (3) medically necessary evaluations and



resultant health care services for acute or emergency gynecological conditions. No carrier shall require higher copayments, coinsurance, deductibles or additional cost sharing arrangements for such services provided to such insureds in the absence of a referral from a primary care physician. Carriers may establish reasonable requirements for participating obstetricians, gynecologists, certified nurse-midwives or family practitioners to communicate with an insured's primary care physician regarding the insured's condition, treatment, and need for follow-up care. Nothing in this section shall be construed to permit an obstetrician, gynecologist, certified nurse-midwife or family practitioner to authorize any further referral of an insured to any other provider without the approval of the insured's carrier.

(h) A carrier shall provide coverage of pediatric specialty care, including mental health care, by persons with recognized expertise in specialty pediatrics to insureds requiring such services.

(i) A carrier shall provide health care providers applying to be participating providers who are denied such status with a written reason or reasons for denial of such application.

(j) No carrier shall make a contract with a health care provider which includes a provision permitting termination without cause. A carrier shall provide a written statement to a provider of the reason or reasons for such provider's involuntary disenrollment.

(k) A carrier shall provide insureds, upon request, interpreter and translation services related to administrative procedures.

Section 16. (a) The physician treating an insured, shall, consistent with generally accepted principles of professional medical practice and in consultation with the insured, make all clinical decisions regarding medical treatment to be provided to the insured, including the provision of durable medical equipment and hospital lengths of stay. Nothing in this section shall be construed as altering, affecting or modifying either the obligations of any third party or the terms and conditions of any agreement or contract between either the treating physician or the insured and any third party.

(b) A carrier shall be required to pay for health care services ordered by a treating physician if (1) the services are a covered benefit under the insured's health benefit plan; and (2) the services are medically necessary. A carrier may develop guidelines to be used in applying the standard of medical necessity, as defined herein. Any such medical necessity guidelines utilized by a carrier in making coverage determinations shall be: (i) developed with input from practicing physicians in the carrier's or utilization review organization's service area; (ii) developed in accordance with the standards adopted by national accreditation organizations; (iii) updated at least biennially or more often as new treatments, applications and technologies are adopted as generally accepted professional medical practice; and (iv) evidence-based, if practicable. In applying such guidelines, a carrier shall consider the individual health care needs of the insured.

(c) With respect to an insured enrolled in a health benefit plan under which the carrier or utilization review organization only provides administrative services, the obligations of a carrier or utilization review organization created by this section and related to payment shall be limited to recommending to the third party payor that coverage should be authorized.



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Section 17. The commissioner shall promulgate regulations to enforce sections 2 to 12, inclusive. The commissioner of public health shall promulgate regulations to enforce sections 13, 14, 15 and 16.

**SECTION 28.** Section 8A of chapter 180 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following subsection:-

(d)(1) A nonprofit acute-care hospital, as defined in section 25B of chapter 111, or a nonprofit health maintenance organization as defined in chapter 176G shall give written notice of not less than 90 days to the attorney general and to the commissioner of public health if such notice concerns a nonprofit health maintenance organization, before it enters into a sale, lease, exchange, or other disposition of a substantial amount of its assets or operations with a person or entity other than a public charity. No such notice shall be required if a written waiver of such notice is executed by the attorney general. When investigating the proposed transaction, the attorney general shall consider any factors that the attorney general deems relevant, including, but not limited to, whether:

- (i) the proposed transaction complies with applicable general nonprofit and charities law;
- (ii) due care was followed by the nonprofit entity;
- (iii) conflict of interest was avoided by the nonprofit entity at all phases of decision making;
- (iv) fair value will be received for the nonprofit assets; and
- (v) the proposed transaction is in the public interest.

(2) The attorney general shall assess the entity proposing to receive such assets or operations for reasonable costs related to, and shall expend such amounts for the review of the proposed transaction, as determined by the attorney general to be necessary. Such reasonable costs may include expert review of the transaction, a process for educating the public about the transaction and obtaining public input, and administrative costs. All materials filed by the parties in the course of the attorney general's review shall be made available for public inspection pursuant to section 10 of chapter 66 and section 7 of chapter 4.

(3) The attorney general shall, during the course of his investigation, hold at least one public hearing, in a location convenient to the population served by the nonprofit entity, at which any person may file written comments and exhibits or appear and make a statement. At least 21 days in advance of the public hearing, the nonprofit entity shall publish notice of the hearing in a newspaper of general circulation where the entity is located. The notice shall include the name of the nonprofit entity, the name of the acquirer, or other parties to the proposed transaction, the nature of the proposed transaction and the anticipated consideration that will be paid by the acquirer. In addition, the notice shall offer to provide to any person upon request to the nonprofit entity a detailed summary of the proposed transaction and copies of all transaction and collateral agreements. As defined in section 7 of chapter 4, compliance with this notice requirement will not require disclosure of confidential trade secret, commercial or financial information contained in schedules or exhibits of those agreements.

(4) If a charitable fund results from the transaction, and if the nonprofit entity making the disposition does not continue its operation of a nonprofit hospital or nonprofit health maintenance organization, the governance of the charitable fund shall be subject to review by the attorney general and approval by the court. The governance of the charitable fund shall be broadly based in the community historically served by the predecessor nonprofit acute care hospital or health maintenance organization and shall be independent of the new for-profit entity. The attorney general shall conduct a public hearing in connection with his review of the plan for the governance of the resulting charitable fund. An appropriate portion of any resulting proceeds shall, if determined to be necessary by the attorney general, be used for assistance in the development of a community-based plan for the use of the resulting charitable fund.

(5) The entity receiving such assets or operations shall, if determined to be necessary by the attorney general in consultation with the department of public health, provide the funds, in an amount determined by the commissioner of public health, for the hiring by the department of public health of an independent health care access monitor to monitor and report quarterly to the attorney general, the department of public health and the committee on health care on community health care access by the entity, including levels of free care provided by the entity. The funding shall be provided for three years after the transaction. The entity receiving such assets or operations shall provide the monitor with appropriate access to the entity's records in order to enable the monitor to fulfill this function. To prevent the duplication of any information already reported by the entity, the monitor shall, to the extent possible, utilize data already provided by the entity to the division of health care finance and policy pursuant to chapter 118G or to any other agency. No personal identifiers shall be attached to any of the records obtained by the monitor and all such records shall be subject to the privacy and confidentiality provisions of section 70E of chapter 111.

(6) No officer, director, incorporator, member, employee, staff, physician, expert or advisor of the nonprofit entity making the disposition shall derive improper benefit from the transaction. The officers, directors, incorporators, members, senior managers, staff, physicians, experts and advisors of the nonprofit entity making the disposition shall be prohibited from investing in the for-profit entity for a period of three years following such disposition.

**SECTION 29.** There is hereby established a special commission to conduct an analysis of physician compensation. Said commission shall consist of: the commissioner of public health, or his designee; the commissioner of medical assistance, or his designee; and four persons to be appointed by the governor, one of whom shall represent a graduate school of public health and who shall be a medical economist; one of whom shall represent health care for all; one of whom shall represent the ad hoc committee to defend health care; and one of whom shall represent the Massachusetts Medical Society. Said commission shall evaluate physician compensation arrangements, including, but not limited to, risk threshold arrangements, the feasibility of compensation arrangements that are severity adjusted based on the population of patients served, and inducements to limit, reduce or deny health care.

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Said commission shall report its findings, and file any draft legislation prohibiting or regulating such arrangements with the clerks of the house of representatives and the senate, the joint committee on health care and the house and senate committees on ways and means not later than February 15, 2001. Thereafter, the office of patient protection in the department of public health shall conduct, every two years, analyses to evaluate physician compensation arrangements using evidence based studies to review and report on arrangements that may inappropriately limit, deny or withhold services. Upon request, the office shall have access to patient surveys and outcome studies as provided in this section. For purposes of this section, "risk threshold" means the maximum financial risk to which a licensed health care professional, licensed health care provider group or organization that employs or utilizes services of a licensed health care professional may be exposed under a licensed health care provider incentive plan.

**SECTION 30.** Not later than six months after the effective date of this act, the division of health care finance and policy shall issue a proposed methodology for the preparation of the health plan report card pursuant to section 24 of chapter 118G of the General Laws. The division shall issue the initial report card not later than six months after the announcement of the methodology and annually thereafter.

**SECTION 31.** (a) The office of patient protection in the department of public health shall establish a pilot program in a labor market area, other than the city of Boston, which requires carriers offering health care benefits through a network also to offer such benefits through a point of service option to all insureds. For the purposes of this section, "point of service option" means a choice exercised by an insured and their dependents to obtain diagnostic and treatment services from a provider of health care services who is not under contract with or otherwise a participating provider in a carrier's network.

(b)(1) A carrier may require an insured that accepts the additional coverage under a point of service option under subsection (a) to be responsible for the payment of a reasonable additional cost over the amount of the premium for the coverage offered by the carrier for the services restricted to network providers.

(2) A carrier may impose reasonable cost sharing provisions for the point of service option based on whether the health care services are provided through the carrier's network or outside the carrier's network.

(c) A carrier may require that the insured accept or reject the point of service option at the beginning of the term of the contract or policy under which health care benefits are to be provided, with the option of modifying such decision during the carrier's open enrollment period.

(d) The office of patient protection shall require such carriers to maintain and forward to the office statistics on usage of such point of service option, the cost of such option, the impact on health care quality and access, and customer satisfaction. Such pilot program shall expire on December 31, 2001. The office shall file a report on the impact of such pilot program on health care quality and cost, together with any draft legislation, on or before October 1, 2001.



**SECTION 32.** There is hereby established an advisory committee for the purpose of arranging for and evaluating an independent analysis of the feasibility and fiscal implications of establishing a system of consolidated health care financing and streamlined health care delivery model accessible to every resident of the commonwealth.

Said advisory committee shall review and evaluate said independent analysis in order to ensure that (1) access to affordable health care services that eliminates barriers to such services, medications and supplies necessary for the prevention, diagnosis, treatment, rehabilitation and palliation of physical and mental illness is available for all residents of the commonwealth; (2) patients have the right, within the terms of their health benefit plan and applicable state statutes, to freely choose their health care providers; (3) the high quality of health care in Massachusetts shall be preserved and promoted; (4) health services are organized in the most efficient manner possible, including the simplification of administrative procedures and reduction in administrative costs, to promote quality, affordable accessible patient care; (5) no financial incentives be permitted that limit patient access to medically necessary health care services.

Said advisory committee shall consist of the chairmen of the house and senate committees on ways and means, the joint committee on taxation, the joint committee on health care, and the joint committee on insurance, or their designees; one member of the minority party to be appointed by the minority leader of the house of representatives; one member of the minority party to be appointed by the minority leader of the senate; the secretary of health and human services or his designee, the commissioner of health care finance and policy or his designee, and one representative from each of the following organizations: the state labor council of the American Federation of Labor/Congress of Industrial Organizations, Associated Industries of Massachusetts, the Massachusetts Business Roundtable, the Massachusetts Municipal Association, the Massachusetts Hospital Association, the Massachusetts Medical Society, the Massachusetts Nurses Association, the Massachusetts Association of Health Maintenance Organizations, the Massachusetts League of Community Health Centers, the Home and Health Care Association of Massachusetts, the Massachusetts Human Services Coalition, the Massachusetts Extended Care Federation, the Massachusetts Law Reform Institute, the Massachusetts Senior Action Council, Health Care for All, Mass-Care, the Small Business Service Bureau, the Life Insurance Association of Massachusetts, the Ad Hoc Committee to Defend Health care, and the Service Employees International Union. Said advisory committee shall be co-chaired by one advisory committee senate member designated by the senate president and one advisory committee house member designated by the speaker of the house of representatives.

Said advisory committee shall, subject to appropriation and upon the approval of the appointed co-chairs of said advisory committee, commission an independent consultant to analyze, evaluate and measure the implications of creating said system of consolidated health care financing and streamlined health care delivery model. Said advisory committee shall advise, direct and consult with said independent consultant on the execution and completion



of said analysis. Said analysis shall include, but not be limited to, an account of the following: (a) the legal, political, and financial impacts associated with the transition from the existing health care delivery system in the commonwealth to a streamlined and unified system of health care benefits which may be administered by the state; (b) the projected cost of establishing said system and a detailed account of the savings resulting therefrom; (c) the cost of administering said system, including an itemized account of the methodology used to determine said cost projection; (d) the revenue streams necessary to implement and sustain said system; (e) a list of any and all required policy and budgetary changes needed to implement said system; (f) an analysis of said system's impact on the state's private health care market, the consumers, and the employers who may purchase such health care benefits.

Said advisory committee shall convene upon the call of the co-chairs in order to (a) advise and consult with said independent consultant on the completion and implementation of said analysis; (b) review and make recommendations on any and all preliminary findings of said independent consultant's analysis; (c) review and make recommendations to said independent consultant for a report to be submitted to the general court.

Said independent consultant shall report to the general court the preliminary results of its analysis by filing the same with the clerk of the house of representatives and the clerk of the senate on or before April 30, 2001. Said advisory committee shall file its preliminary recommendation, based on the preliminary report of said independent consultant with the clerk of the house of representatives and the clerk of the senate, on or before May 31, 2001. Said independent consultant shall report to the general court the final results of his analysis and findings by filing the same with the clerk of the house of representatives and the clerk of the senate on or before November 15, 2001. Said advisory committee shall file its final recommendations based on the final report of said independent consultant with the clerk of the house of representatives and the clerk of the senate on or before December 31, 2001.

**SECTION 33.** Sections 2, 4, 28 and 34 shall apply to all transactions for which notice to the attorney general pursuant to section 8A of chapter 180 of the General Laws has been given on or after December 4, 1996.

**SECTION 34.** Nothing contained in the provisions of sections 2, 4, 28, and 33 shall be construed to limit the existing authority of the attorney general, the commissioner of public health, any other government official or entity, or the court to review, approve, disapprove, or impose conditions upon a transaction or disposition under existing law.

**SECTION 35.** Sections 5, 6, 7, 8, 14, 15, 19, 21, 22, 23, 25, 26, 27, 30, and 31 shall take effect on January 1, 2001.

Approved July 21, 2000.

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## **Chapter 142. AN ACT RELATIVE TO THE ONE TRIAL SYSTEM FOR CIVIL CASES IN CERTAIN COUNTIES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Section 1 of chapter 358 of the acts of 1996 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 2.** Section 2 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 3.** Section 3 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 4.** The first paragraph of section 4 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 5.** The second paragraph of said section 4 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 6.** The first sentence of the first paragraph of section 5 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 7.** The first sentence of the second paragraph of said section 5 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 8.** The first paragraph of section 6 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 9.** The first sentence of section 7 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 10.** The first paragraph of section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 11.** The first sentence of the fourth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 12.** The last sentence of said fourth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 13.** The fifth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 14.** The fourteenth paragraph of said section 8 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 15.** Section 9 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 16.** Said 358 is hereby further amended by striking out section 10 and inserting in place thereof the following section:-

*Section 10.* Notwithstanding sections 3 and 5 of chapter 239 of the General Laws, summary process actions in the district courts of Norfolk, Middlesex, Berkshire and Essex counties shall be subject to one trial in the district court department as provided in section 8. Notwithstanding the jurisdictional limitation of \$25,000 or such other amount as is ordered from time to time by the supreme judicial court under section 4, in Norfolk, Middlesex, Berkshire and Essex counties the district courts shall have nonexclusive original jurisdiction over all summary process actions.

**SECTION 17.** Section 11 of said chapter 358, as amended by section 1 of chapter 157 of the acts of 1998, is hereby further amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 18.** Section 12 of said chapter 358 is hereby amended by striking out the words "Norfolk and Middlesex" and inserting in place thereof the following words:- Norfolk, Middlesex, Berkshire and Essex.

**SECTION 19.** Said chapter 358 is hereby further amended by striking out sections 13, 14 and 15, as appearing in chapter 157 of the acts of 1998, and inserting in place thereof the following three sections:-

*Section 13.* The provisions of this act shall be implemented by the chief justice for administration and management of the trial court and shall be effective in Norfolk and Middlesex counties for a period of 74 months commencing on July 1, 1996. Such provisions shall be effective in Berkshire and Essex counties for a period of 24 months commencing on September 1, 2000. This act shall apply only to civil actions commenced on or after the aforesaid effective dates for the respective counties. Commencement of such actions shall be defined by Rule 3 of the Massachusetts Rules of Civil Procedure and Rule 2 of the Uniform Summary Process Rules.

*Section 14.* After August 31, 2002, civil cases pending or initiated in district courts in Norfolk, Middlesex, Berkshire and Essex counties in which the parties have not elected, as of the date of such expiration, either a trial by a jury of six or a trial by a court without a jury, shall be conducted pursuant to all applicable provisions of the General Laws and shall

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not be subject to the provisions of this act; provided, however, that civil cases pending in said counties as of the date of such expiration in which the parties have elected either a trial by a jury of six or a trial by a court without a jury, shall continue to be conducted in accordance with the provisions of this act.

*Section 15.* The chief justice for administration and management of the trial court, in consultation with the chief justices for the superior court and the district court departments, shall prepare and file with the supreme judicial court and with the clerks of the senate and house of representatives and the house and senate committees on ways and means, an interim report on the implementation of this act, on or before August 31, 2001 and a final report on said implementation on or before October 31, 2002. Said reports shall provide detailed information concerning the status and effect of implementation of this act, including, but not limited to, any costs incurred as a result of such implementation as well as a statistical analysis of the disposition of civil cases conducted pursuant to the provisions of this act which indicate, for each district court and superior court in Norfolk, Middlesex, Berkshire and Essex counties, the total number of cases entered, the number of cases disposed before trial, the number of cases tried by a jury of six, the number of cases tried by a court without a jury and the average time between entry and disposition of cases in each such category.

**SECTION 20.** This act shall take effect upon its passage.

Approved July 21, 2000.

## **Chapter 143. AN ACT ESTABLISHING AN APPOINTED WATER AND SEWER COMMISSION IN THE TOWN OF BLACKSTONE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Blackstone may establish a board of water and sewer commissioners consisting of five members to be appointed by the board of selectmen. The board of water and sewer commissioners shall have the powers and duties conferred on boards of water and sewer commissioners by law.

**SECTION 2.** Within 30 days after the effective date of this act, the board of selectmen shall appoint a board of water and sewer commissioners. Of the initial members one shall be appointed for a one year term, two shall be appointed for two year terms and two shall be appointed for three year terms. The term of office of a member shall commence immediately upon qualification and shall expire on June 30 of the last year of the term or upon appointment of a successor. On July 1 of each year thereafter, the board of selectmen shall appoint members to three year terms to expire on June 30 of the last year of the term, or upon appointment of a successor.



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**SECTION 3.** This act shall be submitted for acceptance to the voters of the town of Blackstone at an annual town election in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: "Shall an act passed by the general court in the year 2000 entitled 'An Act establishing an appointed water and sewer commission in the town of Blackstone', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

**SECTION 4.** Section 3 of this act shall take effect upon its passage.

Approved July 21, 2000.

**Chapter 144. AN ACT AUTHORIZING THE CONSERVATION COMMISSION OF THE TOWN OF ASHLAND TO IMPOSE CERTAIN FEES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Ashland may provide, by rules, for the imposition of reasonable fees for the employment of outside consultants and shall account for and expend such funds in accordance with section 53G of chapter 44 of the General Laws.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 21, 2000.

**Chapter 145. AN ACT RELATIVE TO THE BUDGET OF THE TOWN OF WEST BOYLSTON.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, if the town of West Boylston prepares an annual budget which is divided into departmental expenses and expense categories and which is further divided into line item accounts, the town may, without further town meeting approval, transfer funds among said line item accounts, if the following conditions are met:

- (a) the transfers remain within the same department or budget category;
- (b) the transfers are approved in advance by the board of selectmen, the finance committee and the budget manager for each department or expense category;
- (c) the transfer does not exceed \$5,000 for any single line item transfer; and
- (d) no new employee shall be so funded.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 21, 2000.

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**Chapter 146. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO USE CERTAIN FOREST LAND FOR A FIRE STATION.**

*Be it enacted, etc., as follows:*

The town of Scituate may transfer care, custody and control of certain town forest land to the board of selectmen of the town for the purpose of construction and operation of a fire station. The parcel of town forest land is identified as 136 Mann Lot Road.

Approved July 21, 2000.

**Chapter 147. AN ACT RELATIVE TO THE COMPOSITION OF THE LICENSING BOARD OF THE CITY KNOWN AS THE TOWN OF WATERTOWN.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town manager of the city known as the town of Watertown is hereby authorized to appoint members to the licensing board of said town, subject to the approval of the town council as provided in the home rule charter of said town. Said board shall consist of three members, each of whom shall have been a resident of said town for at least two years immediately preceding such appointment. Members shall be appointed in accordance with section 4 of chapter 138 of the General Laws and shall serve for terms of three years or until their successors are appointed and qualified. Said town manager shall also appoint one alternate member, subject to the approval of the town council as provided in said home rule charter. The alternate member shall have been a resident of said town for at least two years immediately preceding appointment and shall be appointed without regard to party enrollment. The alternate member shall sit on the board at the designation of the chairman in the case of absence, inability to act or conflict of interest on the part of any member of the board, or in the event of a vacancy on the board until such vacancy is filled in the manner provided for in this act.

**SECTION 2.** A person appointed to the licensing board shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, and if once appointed a member engages in such manufacture or sale, that member's office shall immediately become vacant.

**SECTION 3.** The licensing board of the city known as the town of Watertown shall exercise all powers and perform all duties generally conferred upon licensing boards pursuant to the General Laws.

**SECTION 4.** A member of the licensing board of the city known as the town of Watertown in office on the effective date of this act shall continue in office for the remainder of that member's current term. At the expiration of such current term, the vacancy shall be filled in accordance with the provisions of this act.

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**SECTION 5.** All votes and actions of the licensing board of the city known as the town of Watertown taken before the effective date of this act and which included the vote or action of an alternate member are hereby ratified, validated and confirmed as though such alternate member had been authorized by law to sit on said licensing board.

**SECTION 6.** This act shall take effect upon its passage.

Approved July 26, 2000.

**Chapter 148. AN ACT RELATIVE TO CLUSTER DEVELOPMENTS.**

*Be it enacted, etc., as follows:*

Section 9 of chapter 40A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:-

Notwithstanding any provision of this section to the contrary, zoning ordinances or by-laws may provide that cluster developments shall be permitted upon review and approval by a planning board pursuant to the applicable provisions of sections 81K to 81GG, inclusive, of chapter 41 and in accordance with its rules and regulations governing subdivision control.

Approved July 27, 2000.

**Chapter 149. AN ACT AUTHORIZING THE TOWN OF NORTH READING TO GRANT AN EASEMENT IN CERTAIN RECREATIONAL LAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The town of North Reading, acting by and through its board of selectmen, may grant an easement to New England Telephone and Telegraph Company for the purpose of placing telecommunication equipment which would provide for the transmission of intelligence, telecommunications and electricity in, on and over a certain portion of a parcel of land owned by the town currently used for recreational purposes. The parcel is shown on a plan of land as a proposed 25' x 25' easement area "Compiled Plan of Land in No. Reading, Mass., Scale: 1" = 200', Date: September 13, 1986, Revised: 10/6/86, Hayes Engineering, Inc., Civil Engineers & Land Surveyors" which plan is filed with the board of selectmen of the town and recorded at the Middlesex south district registry of deeds as Plan No. 1484, dated 10/24/86.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 27, 2000.

**Chapter 150. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2000 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2000, the sums set forth in section 2 are hereby appropriated from the general fund unless specifically designated otherwise herein or in said appropriation acts, for the several purposes and subject to the conditions specified herein or in said appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2000; provided, that said sums shall be in addition to any amounts previously appropriated and made available for the purposes of said items.

**SECTION 2.**  
**EXECUTIVE OFFICE OF PUBLIC SAFETY.**  
*Registry of Motor Vehicles.*

8400-0001 ..... \$532,642

**SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to provide for certain other activities and projects and to meet certain requirements of law, the sums set forth herein are hereby appropriated from the Capital Improvement and Investment Trust Fund for the several purposes and subject to the conditions specified herein and subject to the provisions of law regulating the disbursement of public funds; provided, that notwithstanding the provisions of any general or special law to the contrary, the appropriations in this act shall expire on June 30, 2001.

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**  
*Information Technology Division.*

1790-0111 For the costs associated with enhancements to the registry of motor vehicles telephone center, including the development and implementation of a new telephone system ..... \$4,917,000

1790-0115 For the costs associated with upgrades to the registry of motor vehicles data center operated by the information technology division at the Massachusetts information technology center in the city of Chelsea; provided, that such costs may include the cost of emergency upgrades performed in fiscal year 1999 ..... \$4,000,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**  
*Department of Highways.*

6037-0010 For construction and reconstruction projects on town and county ways as described in subdivision (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws; provided, however, that a city or town shall comply with the



procedures established by the department of highways; provided further, that any such city or town is hereby authorized to appropriate for such projects amounts not in excess of the amounts provided to such city or town under this item; provided further, that said appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse said city or town under this item within 30 days of receipt by the department of a request for reimbursement from such city or town, which request shall include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this item and that the work has been completed to the satisfaction of such city or town according to the specifications of said project and in compliance with applicable law and said procedures established by the department ..... \$50,000,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Registry of Motor Vehicles.*

- 8400-0014 For the costs associated with the purchase and installation of the line management system, so-called, at all registry of motor vehicles branch offices ..... \$484,796
- 8400-0015 For the costs associated with upgrades to the local area network at the registry of motor vehicles and the replacement of dummy terminals, so-called, at branch offices ..... \$2,834,000

**SECTION 3.** Section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out item 8400-0024 and inserting in place thereof the following item:-

- 8400-0024 No twtwithstanding the provisions of section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend revenue collected up to a maximum of \$2,550,000 pursuant to chapter 90C of the General Laws from assessments for civil motor vehicle infractions; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section 2 of said chapter 280 and shall not affect or alter the amounts of payments made to cities and towns pursuant to said section 2 of said chapter 280; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item ..... \$2,550,000

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**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, without further appropriation, not later than ten days after the effective date of this act, to the Capital Improvement and Investment Trust Fund established by section 19 of chapter 289 of the acts of 1998, the sum of \$12,235,796 from the general fund and the sum of \$50,000,000 from the Highway Fund; provided, however, that the purpose of said amounts so transferred shall be to finance the appropriations set forth in section 2A of this act.

**SECTION 5.** This act shall take effect upon its passage.

Approved July 28, 2000.

**Chapter 151. AN ACT AUTHORIZING THE MENDON-UPTON REGIONAL SCHOOL DISTRICT TO GRANT A CERTAIN EASEMENT.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The Mendon-Upton Regional School District may grant an easement over a certain parcel of land acquired for school purposes to the town of Upton. The easement shall include the right to erect and maintain in and under the parcel poles, wires, conduits, pipes and mains for the service of utilities to residents of the town and to surface, improve and maintain the parcel for the purposes of travel and public conveyance and to install and maintain drainage and such facilities in the same manner and to the same extent public ways in the town are commonly used and maintained. The town shall indemnify and hold harmless the school district from and against any loss, damage or liability arising out of the town's exercise of the rights and easement. The easement is granted subject to the right expressly reserved by the district to continue to use the parcel for all purposes not adverse to the rights granted by this act.

The easement is shown as "Driveway Easement A" on a plan entitled "Plan of Land in Upton, MA prepared for town of Upton, property of Mendon-Upton Regional School District, Scale 40 feet to an inch, date, May 31, 1999, Guerriere & Halnon, Inc. Engineering and Land Surveying, 333 West Street, Milford, MA to be recorded in the Worcester county registry of deeds.

**SECTION 2.** This act shall take effect upon its passage.

Approved July 28, 2000.

**Chapter 152. AN ACT RELATIVE TO THE MANAGEMENT OF SAVINGS BANKS AND TAX ESCROW REQUIREMENTS OF CERTAIN MORTGAGES.**

*Be it enacted, etc., as follows:*

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**SECTION 1.** Paragraph 6 of subsection B of section 2 of chapter 167E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the fourth sentence.

**SECTION 2.** The second paragraph of paragraph 7 of said subsection B of said section 2 of said chapter 167E, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 3.** Paragraph 9 of said subsection B of said section 2 of said chapter 167E, as so appearing, is hereby amended by striking out the third sentence.

**SECTION 4.** Chapter 168 of the General Laws is hereby amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. Meetings of the corporators, board of trustees and board of investment of such corporation shall be held in the town wherein the main office of the corporation is located, or at any other place within the counties in which the bank has a branch office.

**SECTION 5.** Section 9 of said chapter 168, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Corporators shall be elected for a term of ten years, but a corporator shall not serve beyond the retirement age as established by the bank's by-laws.

**SECTION 6.** The second paragraph of section 13 of said chapter 168, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The president shall be a trustee.

**SECTION 7.** Subparagraph 3 of the seventh paragraph of section 65 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out the third sentence.

**SECTION 8.** Subparagraph 4 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the fourth sentence.

**SECTION 9.** The first paragraph of subparagraph 5 of said seventh paragraph of said section 65 of said chapter 171, as so appearing, is hereby amended by striking out the third sentence.

**SECTION 10.** A bank or credit union chartered by the commonwealth and required by a law in effect before the effective date of this act to pay, at least quarterly, a proportionate part of the estimated real estate taxes and betterment assessment on the mortgaged real estate, may waive the same with respect to any mortgage held by it which was executed before said effective date.

Approved July 28, 2000.

## **Chapter 153. AN ACT RELATIVE TO SALARIES PAID BY A DOMESTIC INSURANCE COMPANY.**

*Be it enacted, etc., as follows:*

Chapter 175 of the General Laws is hereby amended by striking out section 35, as

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appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 35. No domestic company shall pay any salary or compensation to its five most highly compensated officers, trustees or directors or to any additional officers, trustees or directors whose salary or compensation exceeds \$150,000, unless such payment is first authorized by a vote of its board of directors, trustees or a committee thereof. The payment of an amount not in excess of 12.5 per cent of any annual salary, compensation or emolument, or a larger percentage if approved by the commissioner, may by contract be deferred beyond three years. No company shall pay any pension except as provided in section 36.

Approved July 28, 2000.

**Chapter 154. AN ACT RELATIVE TO A CERTAIN CONSERVATION RESTRICTION IN THE TOWN OF WAYLAND.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The conservation commission of the town of Wayland may transfer to the board of selectmen of the town the care, custody and control of the conservation restriction on 128.492 acres, more or less, granted to the town by deed from Devens H. Hamlen, Mortimer B. Zuckerman and Edward H. Linde, Trustees of Mainstone Associates Trust, and Devens H. Hamlen and James M. Hamlen as individuals, recorded with the Middlesex south registry of deeds in Book 15681, Page 60, for the purpose of amending the conservation restriction by releasing 1.37 acres, more or less, therefrom in consideration of the submission of 2.43 acres, more or less, as subject thereto.

**SECTION 2.** The form of amendment of conservation restriction referred to in section 1 is on file in the office of the town clerk of the town as part of the documentation for Article 20 of the warrant for the 1999 annual town meeting of the town.

**SECTION 3.** The board of selectmen and the conservation commission of the town may amend the conservation restriction in the manner described in section 1.

Approved July 28, 2000.

**Chapter 155. AN ACT RELATIVE TO BENEFITS FOR WORCESTER COUNTY COURT OFFICERS.**

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of any general or special law to the contrary, any court officer regularly and permanently employed by the trial court who transferred from the Worcester county sheriff's department shall be entitled to have his years of prior service dur-



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ing which he was regularly and permanently employed by said sheriff's department count toward his vacation benefits in the trial court.

Approved July 28, 2000.

**Chapter 156. AN ACT PLACING THE MEMBERS OF THE POLICE FORCE AND THE FIRE DEPARTMENT OF THE TOWN OF HOPEDALE UNDER THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Chapter 262 of the acts of 1984 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* The positions of regular or permanent members of the police force, including intermittent reserve officers and regular or permanent members of the fire department of the town of Hopedale, shall be subject to the provisions of chapter 31 of the General Laws and the tenure of any incumbent thereof shall be unlimited, subject to the provisions of said chapter 31.

**SECTION 2.** Section 2 of said chapter 262 is hereby repealed.

**SECTION 3.** Public safety personnel hired during the six month period preceding the effective date of this act shall be included as civil service employees under chapter 31 of the General Laws, subject to any applicable probationary period.

**SECTION 4.** This act shall take effect upon its passage.

Approved July 28, 2000.

**Chapter 157. AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO OPERATE A SEWER SYSTEM.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding the provisions of sections 1 and 3 of chapter 83 of the General Laws to the contrary, the town of Provincetown is hereby authorized to lay out, construct, maintain and operate a system or systems of common sewers and main drains in public or private ways for that part of its territory as it adjudges necessary for the public convenience or the public health with such connections and other works as may be required for a system or systems of sewerage and drainage, and sewage treatment and disposal.

**SECTION 2.** At the commencement of operation of the town's sewer system, the owner of land abutting upon a private or public way in which a common sewer has been laid

shall be required by the board or officer having charge of the maintenance and repair of sewers to connect such land with a common sewer only if: (1) the on-site subsurface sewage disposal system serving said land fails to comply with the provisions of 310 CMR 15.000, et seq.; (2) an on-site subsurface sewage disposal system cannot be constructed on the property in compliance with said regulations, except pursuant to a variance from property line setbacks, cellar wall or slab foundation setbacks, or swimming pool setbacks; or (3) if the property is located landward of the velocity zone area and the line which is 100 feet from the historic high water line, an enhanced treatment system under remedial use cannot be designed and constructed to adequately treat sewage from said property. The town shall not allow an abutting property owner utilizing an enhanced treatment system under remedial use to opt out of connecting to the sewer system unless the town implements a monitoring and inspection plan approved by the department of environmental protection for such remedial system or systems. Such plan may include the assessment of a reasonable fee by the board of health to implement the monitoring and inspection plan. All other owners of land within the final area of concern as identified in the final wastewater treatment facilities plan approved by the department of environmental protection and on file in the office of the town clerk may, at the owner's option, connect to the town's sewer system only if said owner notifies the town of the owner's intent to connect therewith prior to commencement of final design and construction of said sewer system.

Notwithstanding any provision of this act to the contrary, owners of land not within said final area of concern shall not be permitted to connect to the town's sewer system at the commencement of operation thereof. Said plan may be amended from time to time by the board or officer having charge of sewers, after a public hearing conducted to consider such amendment, and upon approval of the department of environmental protection. The board or officer having charge of sewers shall adopt regulations within 120 days after the effective date of this act establishing publication and notification procedures to carry out the purposes of this section. Notwithstanding anything to the contrary in the foregoing, the board or officer having charge of sewers may adopt regulations allowing delayed connections for those properties which do not fail to comply with the provisions of 310 CMR 15.000, et seq. but upon which an on-site subsurface sewage disposal system cannot be constructed on the property in compliance with said regulations, except pursuant to a variance from property line setbacks, cellar wall or slab foundation setbacks, or swimming pool setbacks, or, if the property is located landward of the velocity zone area and the line which is 100 feet from the historic high water line, an enhanced treatment system under remedial use cannot be designed and constructed to adequately treat sewage from said property.

**SECTION 3.** After commencement of operations of the sewer system, additional connections shall be permitted within the final area of concern by such board or officer having charge of the maintenance and repair of sewers, subject to available capacity, only upon certification by the board of health that the on-site subsurface sewage disposal system on land abutting upon a private or public way in which a common sewer has been laid cannot comply with the provisions of 310 CMR 15.000, et seq., or in the case of new construction,

expansion of an existing structure, a change in use, or increases in flow from said land, such expansion, change in use, or increase in flow does not result in sewage flow in excess of the amount of said regulations flow capacity or actual flow resulting from a legal use of said land, whichever is greater, which existed on the effective date of this act as determined by the board of health. Those owners of land within the final area of concern abutting upon a private or public way in which a common sewer has been laid who choose to opt out of connection to the common sewer pursuant to section 2 of this act, and who do not qualify for connection pursuant to this section, shall only be permitted to connect to the common sewer as capacity of the sewer system allows and at the sole discretion of the board or officer having charge of the maintenance and repair of sewers in accordance with criteria as contained within rules and regulations adopted by said board or officer. Notwithstanding anything to the contrary contained herein, the board or officer having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings, public restrooms, laundromats, or, subject to approval of town meeting, other public service uses.

**SECTION 4.** Notwithstanding the provisions of chapters 80 and 83 of the General Laws to the contrary, the town of Provincetown may make assessments upon owners of land abutting upon a private or public way in which a common sewer has been laid only at the time of actual connection to the common sewer. Nothing herein shall preclude the town from making estimated sewer assessments pursuant to section 15B of said chapter 83. The town may make equitable adjustments to the annual charges established pursuant to section 16 of said chapter 83 for the use of common sewers by owners of land who connect under section 3 of this act for the purpose of insuring an equitable distribution of the total sewer system costs, including assessments and sewer use charges.

**SECTION 5.** Every decision by the board or officer having charge of sewers permitting or denying a connection to the sewer system shall be made in writing. Any person aggrieved by such a decision may appeal said decision within 30 days of issuance pursuant to the provisions of section 14 of chapter 30A.

**SECTION 6.** In carrying out the provisions of this act, the town shall not discriminate against any person on the grounds of race, color, marital status, physical disability, age, sex, sexual orientation, religion, ancestry or national origin in any manner prohibited by the laws of the United States, the commonwealth or the town of Provincetown.

**SECTION 7.** Chapter 476 of the acts of 1947 is hereby repealed.

**SECTION 8.** This act shall take effect upon its passage.

Approved July 28, 2000.

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**Chapter 158. AN ACT RELATIVE TO THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH.**

*Be it enacted, etc., as follows:*

Chapter 55 of the acts of 1989 is hereby amended by striking out section 1, as amended by section 1 of chapter 83 of the acts of 1995, and inserting in place thereof the following section:-

*Section 1.* There is hereby established in the city of Marlborough, hereinafter called the city, a traffic commission, hereinafter called the commission, to consist of the chief of police who shall be chairman, the city clerk, the commissioner of public works, the chief of the fire department and the city planner.

Approved July 28, 2000.



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**Chapter 159. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2001 FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.**

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2000, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

**SECTION 1.** To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in said sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2001.

**SECTION 1A.** In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2001 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

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**Chap. 159****FY 2001 Revenue By Source and Budgetary Fund**

Source	All Funds	General	Highway	Local Aid	Other
Alcoholic Beverages	61.0	61.0	0.0	0.0	0.0
Commercial Banks and Savings Institutions	116.0	116.0	0.0	0.0	0.0
Cigarette	274.0	92.9	0.0	0.0	181.1
Corporations	1,194.0	716.4	0.0	477.6	0.0
Deeds	114.0	114.0	0.0	0.0	0.0
Estate/Inheritance	177.0	177.0	0.0	0.0	0.0
Income	8,915.9	5,349.5	0.0	3,566.4	0.0
Insurance	312.0	312.0	0.0	0.0	0.0
Unemployment Insurance Surcharges	18.0	0.0	0.0	0.0	18.0
Motor Fuels	705.0	94.1	602.2	0.0	8.7
Utilities	108.0	108.0	0.0	0.0	0.0
Room Occupancy	143.0	77.0	0.0	0.0	66.0
Sales & Use: Regular	1,995.0	1,196.5	0.0	797.7	0.8
Sales & Use: Meals	478.0	286.6	0.0	191.0	0.4
Sales & Use: Motor Vehicles	555.0	333.0	0.0	222.0	0.0
Miscellaneous	16.5	3.3	0.0	0.0	13.2
Racing	8.7	8.7	0.0	0.0	0.0
Beano	3.0	3.0	0.0	0.0	0.0
Raffles/Bazaars	1.2	1.2	0.0	0.0	0.0
Division of Insurance	8.5	8.5	0.0	0.0	0.0
Total Taxes	15,203.8	9,058.7	602.2	5,254.7	288.2
Federal Reimbursements	3,797.9	2,889.4	2.5	0.0	906.0
Departmental Revenues	1,443.6	821.7	294.4	6.2	321.3
Transfers & Other Receipts	1,141.5	222.2	0.0	808.6	110.7
Total for Budget	21,586.8	12,992.0	899.1	6,069.5	1,626.2

**SECTION 1B.** The comptroller shall keep a distinct account of actual receipts of non-tax revenues by each department, board, commission or institution to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with projected receipts set forth herein and to include a full statement comparing such receipts with projected receipts in the annual report for such fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

**Non-Tax Revenue: Executive Office Summary**

Revenue Source	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary	\$66,506,867	\$0	\$66,506,867
District Attorneys	\$9,762	\$0	\$9,762
Office of the Governor	\$10,000	\$0	\$10,000
Office of the Secretary of State	\$83,675,764	\$61,000	\$83,736,764
Office of the State Treasurer	\$444,114,694	\$730,000,000	\$1,174,114,694
Office of the Attorney General	\$6,950,274	\$0	\$6,950,274
Ethics Commission	\$21,800	\$0	\$21,800
Office of the Inspector General	\$0	\$400,000	\$400,000
Campaign & Political Finance	\$27,500	\$0	\$27,500
Office of the State Comptroller	\$97,549,798	\$2,000	\$97,551,798
Executive Office: Administration & Finance	\$277,915,828	\$20,632,718	\$298,548,546
Executive Office: Environmental Affairs	\$83,977,656	\$3,401,818	\$87,379,474
Executive Office: Human Services	\$3,798,472,032	\$128,516,525	\$3,926,988,557
Executive Office: Transportation	\$8,439,616	\$27,345	\$8,466,961
Board of Library Commissioners	\$1,200	\$0	\$1,200
Labor, Education and Development	\$259,339,538	\$1,961,100	\$261,300,638
Executive Office of Public Safety	\$341,036,823	\$26,484,119	\$367,520,942
Executive Office of Elder Affairs	\$487,608	\$3,000,000	\$3,487,608
Legislature	\$21,500	\$0	\$21,500
Taxes	\$15,203,800,000	\$0	\$15,203,800,000
Total:	\$20,672,358,261	\$914,486,625	\$21,586,844,886

**Non-Tax Revenue: Executive Office by Department Summary**

Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Judiciary			
Supreme Judicial Court	\$1,348,264	\$0	\$1,348,264
Committee for Public Counsel	\$200,000	\$0	\$200,000
Appeals Court	\$267,353	\$0	\$267,353
Trial Court	\$64,691,250	\$0	\$64,691,250
<i>TOTALS :</i>	\$66,506,867	\$0	\$66,506,867
District Attorneys			
Northern District Attorney	\$1,000	\$0	\$1,000
Northwestern District Attorney	\$1,388	\$0	\$1,388
Eastern District Attorney	\$1,233	\$0	\$1,233
Middle District Attorney	\$1,010	\$0	\$1,010

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Bristol District Attorney	\$0	\$0	\$0
Hampden District Attorney	\$5,131	\$0	\$5,131
<i>TOTALS :</i>	\$9,762	\$0	\$9,762
Office of the Governor			
Office of the Governor	\$10,000	\$0	\$10,000
<i>TOTALS :</i>	\$10,000	\$0	\$10,000
Office of the Secretary of State			
Secretary of State	\$83,675,764	\$61,000	\$83,736,764
<i>TOTALS :</i>	\$83,675,764	\$61,000	\$83,736,764
Office of the State Treasurer			
Treasurer's Office	\$278,972,314	\$0	\$278,972,314
State Lottery Commission	\$150,928,584	\$730,000,000	\$880,928,584
Mass Cultural Council	\$14,213,796	\$0	\$14,213,796
<i>TOTALS :</i>	\$444,114,694	\$730,000,000	\$1,174,114,694
Office of the Attorney General			
Attorney General	\$6,800,516	\$0	\$6,800,516
Victim Witness Assistance	\$149,758	\$0	\$149,758
<i>TOTALS :</i>	\$6,950,274	\$0	\$6,950,274
Ethics Commission			
Ethics Commission	\$21,800	\$0	\$21,800
<i>TOTALS :</i>	\$21,800	\$0	\$21,800
Office of the Inspector General			
Inspector General	\$0	\$400,000	\$400,000
<i>TOTALS :</i>	\$0	\$400,000	\$400,000
Campaign & Political Finance			
Campaign & Political Finance	\$27,500	\$0	\$27,500
<i>TOTALS :</i>	\$27,500	\$0	\$27,500
Office of the State Comptroller			
Comptroller's Office	\$97,549,798	\$2,000	\$97,551,798
<i>TOTALS :</i>	\$97,549,798	\$2,000	\$97,551,798
Executive Office: Administration & Finance			
Veterans Affairs	\$4,000	\$150,000	\$154,000
Secretary of Administration & Finance	(\$7,796,758)	\$0	(\$7,796,758)
Division of Fiscal Affairs - Fringe Recovery	\$61,771,619	\$0	\$61,771,619
Fingold Library	\$1,500	\$0	\$1,500



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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Office of Dispute Resolution	\$0	\$150,000	\$150,000
DCAMM	\$5,454,012	\$13,950,000	\$19,404,012
Group Insurance Commission	\$130,960,942	\$0	\$130,960,942
Division of Administrative Law Appeals	\$50,000	\$0	\$50,000
M.C.A.D.	\$78,527	\$1,840,844	\$1,919,371
Dept of Revenue	\$85,688,515	\$0	\$85,688,515
Appellate Tax Board	\$1,385,319	\$0	\$1,385,319
Human Resources Division	\$119,250	\$2,049,607	\$2,168,857
Division of Operational Services	\$93,339	\$1,904,891	\$1,998,230
BSOB	\$105,564	\$0	\$105,564
Division of Information Technology	\$0	\$587,376	\$587,376
<i>TOTALS :</i>	\$277,915,828	\$20,632,718	\$298,548,546
Executive Office: Environmental Affairs			
Secretary of Environmental Affairs	\$206,100	\$93,721	\$299,821
Dept of Environmental Management	\$7,807,439	\$285,872	\$8,093,311
Dept of Environmental Protection	\$31,929,332	\$0	\$31,929,332
Fish/Wildlife Environmental Law Enforcement	\$16,498,593	\$580,000	\$17,078,593
Metropolitan District Commission	\$20,385,684	\$2,442,225	\$22,827,909
Dept of Food & Agriculture	\$7,150,509	\$0	\$7,150,509
<i>TOTALS :</i>	\$83,977,656	\$3,401,818	\$87,379,474
Executive Office: Human Services			
Secretary of Human Services	\$4,000,700	\$0	\$4,000,700
Division of Medical Assistance	\$2,398,727,674	\$70,000,000	\$2,468,727,674
Division of Health Care Finance and Policy	\$10,164,610	\$0	\$10,164,610
Mass Commission for the Blind	\$2,927,762	\$0	\$2,927,762
Mass Rehabilitation Commission	\$20,000	\$4,000,000	\$4,020,000
Mass Commission for the Deaf	\$38,500	\$105,000	\$143,500
Office of Child Care Services	\$201,297,049	\$0	\$201,297,049
Chelsea Soldiers' Home	\$6,470,000	\$157,000	\$6,627,000
Holyoke Soldiers' Home	\$7,570,745	\$212,000	\$7,782,745
Dept of Youth Services	\$42,500	\$0	\$42,500
Dept of Transitional Assistance	\$452,570,667	\$0	\$452,570,667
Dept of Public Health	\$90,932,176	\$47,117,525	\$138,049,701
Dept of Social Services	\$195,045,315	\$0	\$195,045,315
Dept of Mental Health	\$83,080,136	\$6,825,000	\$89,905,136

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Dept of Mental Retardation	\$345,584,198	\$100,000	\$345,684,198
<i>TOTALS :</i>	\$3,798,472,032	\$128,516,525	\$3,926,988,557
Executive Office: Transportation			
Secretary of Transportation	\$1,023,116	\$27,345	\$1,050,461
Mass Aeronautics Commission	\$270,000	\$0	\$270,000
Mass Highway	\$7,146,500	\$0	\$7,146,500
<i>TOTALS :</i>	\$8,439,616	\$27,345	\$8,466,961
Board of Library Commissioners			
Board of Library Commissioners	\$1,200	\$0	\$1,200
<i>TOTALS :</i>	\$1,200	\$0	\$1,200
Labor, Education and Development			
Office of Director of Labor	\$853,402	\$0	\$853,402
Dept of Industrial Accidents	\$21,513,925	\$0	\$21,513,925
Labor Relations Commission	\$150	\$0	\$150
Board of Conciliation & Arbitration	\$89,023	\$0	\$89,023
Office of Communities and	\$3,152,560	\$1,000,000	\$4,152,560
Director of Consumer Affairs and	\$0	\$0	\$0
Business Reg.			
Secretary of Economic Affairs	\$1,000	\$0	\$1,000
Division of Banks	\$11,490,000	\$0	\$11,490,000
Division of Insurance	\$40,360,684	\$0	\$40,360,684
Division of Registration	\$10,856,242	\$0	\$10,856,242
Division of Standards	\$1,155,393	\$338,000	\$1,493,393
Community Antenna Television Division	\$1,400,000	\$0	\$1,400,000
Dept of Public Utilities	\$12,230,330	\$0	\$12,230,330
Energy Facilities Siting Commission	\$0	\$350,000	\$350,000
Alcohol Beverages Control Commission	\$1,506,400	\$0	\$1,506,400
State Racing Commission	\$2,643,700	\$0	\$2,643,700
Board of Medicine	\$2,805,000	\$0	\$2,805,000
Department of Economic Development	\$500	\$0	\$500
Division of Energy Resources	\$562,443	\$0	\$562,443
Department of Education	\$8,841,171	\$0	\$8,841,171
Higher Education	\$38,610,630	\$273,100	\$38,883,730
University of Massachusetts	\$101,266,986	\$0	\$101,266,986
<i>TOTALS :</i>	\$259,339,538	\$1,961,100	\$261,300,638
Executive Office of Public Safety			
Secretary of Public Safety	\$300,500	\$17,980	\$318,480

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Revenue	Unrestricted Non-Tax	Restricted Non-Tax	Total Non-Tax
Chief Medical Examiner	\$900	\$0	\$900
Criminal History Systems Board	\$2,782,200	\$0	\$2,782,200
Board of Building Regulations	\$280,800	\$80,000	\$360,800
Architectural Access Board	\$10,000	\$0	\$10,000
Dept of State Police	\$405,500	\$14,851,367	\$15,256,867
Criminal Justice Training Council	\$2,500	\$960,000	\$962,500
Dept of Public Safety	\$9,930,749	\$0	\$9,930,749
Dept of Fire Services	\$5,159,608	\$0	\$5,159,608
Registry of Motor Vehicles	\$293,594,000	\$5,800,000	\$299,394,000
Merit Rating Board	\$37,140	\$0	\$37,140
Military Division	\$2,000	\$840,000	\$842,000
Emergency Management Agency	\$721,437	\$0	\$721,437
Gov's Highway Safety Bureau	\$212,000	\$0	\$212,000
Dept of Corrections	\$23,618,400	\$3,367,995	\$26,986,395
Sheriff's Department Franklin	\$277,400	\$0	\$277,400
Sheriff's Department Hampden	\$745,473	\$491,777	\$1,237,250
Sheriff's Department Middlesex	\$75,000	\$2,494,418	\$2,419,418
Sheriff's Department Hampshire	\$347,400	\$0	\$347,400
Sheriff's Department Worcester	\$179,398	\$0	\$179,398
Parole Board	\$10,000	\$0	\$10,000
<i>TOTALS :</i>	\$341,036,823	\$26,484,119	\$367,520,942
Executive Office of Elder Affairs			
Secretary of Elder Affairs	\$487,608	\$3,000,000	\$3,487,608
<i>TOTALS :</i>	\$487,608	\$3,000,000	\$3,487,608
Legislature			
House of Representatives	\$18,500	\$0	\$18,500
Joint Legislative	\$2,000	\$0	\$2,000
Senate	\$1,000	\$0	\$1,000
<i>TOTALS :</i>	\$21,500	\$0	\$21,500
Taxes			
Taxation	\$15,203,800,000	\$0	\$15,203,800,000
<i>TOTALS :</i>	\$15,203,800,000	\$0	\$15,203,800,000
Total Tax and Non-Tax Revenue:	\$20,672,358,261	\$914,486,625	\$21,586,844,886

SECTION 2.

JUDICIARY.

*Supreme Judicial Court.*

0320-0001	For the office of the chief justice and the six associate justices . . . .	\$934,978
0320-0003	For the operation of the supreme judicial court; provided, that \$100,000 shall be expended for the contracting of staff attorneys; provided further, that \$100,000 shall be expended for the expenses of the future lab task force projects; and provided further, that not later than February 1, 2001, said task force shall submit to the house and senate committees on ways and means a report detailing the total number of people served by each program, types of services rendered at each location, and the cost per program . . . . .	\$4,715,623
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county . . . . .	\$926,596
0320-0016	For the cost of upgrading and purchasing computer equipment for the supreme judicial court and the appeals court of the commonwealth; provided, that not more than \$52,805 shall be expended for one information technology position; and provided further, that not more than \$84,118 shall be expended for computer upgrading improvements and computer training in fiscal year 2001 . . . . .	\$275,000
0321-0001	For the operation of the commission on judicial conduct . . . . .	\$434,351
0321-0100	For the services of the board of bar examiners . . . . .	\$953,258

*Committee for Public Counsel Services.*

0321-1500	For the operation of the committee for public counsel services as authorized by chapter 211D of the General Laws, including expenses for an audit and oversight unit; provided, that not more than \$48,600 shall be expended for one mental health attorney, that not more than \$41,800 shall be expended for one post conviction staff attorney, and that not more than \$59,600 shall be contracted for accounting clerks in fiscal year 2001 over and above the expenditures made for such positions in fiscal year 2000; and provided further, that employee compensation levels funded herein shall not exceed the compensation levels in fiscal year 2000 . . . . .	\$7,371,690
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0321-1502	For compensation to public counsel assigned cases under the provisions of subsection (a) of section 6 of chapter 211D of the General Laws, pursuant to section 13 of chapter 211D of the General Laws, including compensation for the chief counsel, deputy chief counsels, and general counsel . . . . .	\$7,829,850
0321-1503	For the children and family law program pursuant to section 6A of chapter 211D of the General Laws . . . . .	\$805,041
0321-1504	For the continuation of a youth advocacy program, so-called . . . . .	\$456,913
0321-1510	For compensation paid to private counsel assigned to criminal cases under the provisions of subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that the committee for public counsel services may operate a pilot team leader program in fiscal year 2001 in not more than four counties; provided further, that no funds provided herein or in items 0321-1512 or 0321-1520 shall be used for the expenses of said team leader program; provided further, that the amount appropriated herein shall be expended for services rendered in fiscal year 2001 only; provided further, that the chief counsel may transfer funds to item 0321-1512 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days prior to any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998 . . . . .	\$43,500,000
0321-1512	For compensation paid to private counsel assigned to family law and mental health cases under the provisions of subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that the amount appropriated herein shall be expended for services rendered in fiscal year 2001 only; provided further, that the chief counsel may transfer funds to item 0321-1510 as necessary, pursuant to schedules submitted to the house and senate committees on ways and means 30 days prior to any such transfer; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998 . . . . .	\$21,000,000
0321-1520	For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in	

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	said section 27A of said chapter 261; provided, that the amount appropriated herein shall only be expended for services rendered in fiscal year 2001 . . . . .	\$5,186,168
0321-1600 For	the Massachusetts legal assistance corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that \$1,204,604 shall be expended for the disability benefits project, \$550,906 shall be expended for the medicare advocacy project, and \$2,521,289 shall be expended for the battered women's legal assistance project; provided further, that the first paragraph of section 9 of chapter 221A of the General Laws shall not apply to said programs; and provided further, that said corporation may contract with any organization for the purpose of providing such representation . . . . .	\$4,276,799
0321-1610 For	the Massachusetts legal assistance corporation for the purpose of distributing funds for general operating costs of local and statewide civil legal services providers; provided, that said corporation shall submit a plan to the house and senate committees on ways and means not later than September 30, 2001 on the proposed implementation of expanding legal services for civil cases; and provided further, that said plan shall detail the amounts and sources of funding to be secured by said corporation for the purposes of said expansion, the dates upon which said funding shall be available from each such source, the proposed distribution of such expansion funds by type of case and geographic location . . . . .	\$4,800,000
0321-2000 For	the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws . . . . .	\$503,028
0321-2100 For	the Massachusetts correctional legal services committee . . . . .	\$730,214
0321-2205 For	the expenses of the social law library located in Suffolk county . . . . .	\$2,036,000
0321-2206 For	the social law library to operate the electronic law database project . . . . .	\$450,000

Appeals Court.

0322-0100 For	the appeals court, including the salaries, traveling allowances and expenses of the chief justice and the associate justices and the expenses of the conference pro-
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gram, so- called; provided, that eight additional justices and six additional law clerks shall be appointed and funded from this item in fiscal year 2001; provided further, that \$125,813 shall be expended for contracted staff attorneys; provided further, that \$56,543 shall be expended for two additional judicial secretaries; provided further, that \$65,626 shall be expended for a deputy fiscal officer and one appellate sessions clerk; and provided further, that \$70,800 shall be expended for the purchasing of office related items associated with the addition of the new justices . . . . . \$7,618,204

*Trial Court.*

- 0330-0101 For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer . . . . . \$8,830,821
- 0330-0102 For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer . . . . . \$18,783,392
- 0330-0103 For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer . . . \$5,248,835
- 0330-0104 For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer . . . . . \$455,830
- 0330-0105 For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers

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	of funds from this item to any other item of appropriation within 30 days of such transfer . . . . .	\$1,238,712
0330-0106 For	the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer; and provided further, that one additional justice to be assigned to the southeastern division of the housing court shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$991,521
0330-0107 For	the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer; provided further, that four additional justices shall be appointed and funded from this item in fiscal year 2001; and provided further, that one of said new justices shall be assigned to eastern Massachusetts, one of said new justices shall be assigned to western and central Massachusetts, one of said new justices shall be assigned to Essex Juvenile Court, and one of said new justices shall be assigned to Middlesex Juvenile Court . . . . .	\$4,346,637
0330-0300 For	the administration of the office of the chief justice for administration and management, including the salary of said chief justice for administration and management; provided, that the supreme judicial court shall not charge the trial court for any assessments, services, education, training, or any other ancillary costs; provided further, that \$16,725 be paid as sick leave payments to David I. Flemming in accordance with the sick leave bank provisions of chapter 102 of the acts of 1997 and section 273 of chapter 194 of the acts of 1998; and provided further, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program . . . . .	\$7,073,939
0330-0317 For	the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws . . .	\$305,709



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0330-0400	For the non-employee services performed by private individuals and contracted services performed by agencies for the individual court divisions of the trial court to be expended as determined by the chief justice for administration and management; provided, that contracting for non-employee assigned interpretive services and contracting with agencies or providers for assigned interpretive services shall not give rise to enforceable legal rights in any party or an enforceable entitlement to interpretive services; provided further, that interpretive services shall be provided by interpreters who have a place of business in the county or within 20 miles of the county where the subject court is located and a permanent court interpreter program shall be established within the counties of Hampden, Hampshire, Berkshire and Franklin with the goal of ensuring that interpretive services be provided by interpreters who have a place of business in said counties; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in contracting for services to provide interpreters to persons who are deaf or hard of hearing, the trial court shall maximize the use of interpreter services provided by the Massachusetts commission for the deaf and hard of hearing whenever possible; provided further, that the chief justice for administration and management shall contact and enter into contract with interpreters for the deaf, not later than 24 hours prior to all cases where said interpreters may be needed; provided further, that said contracted interpreters shall be funded at existing rates; and provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children . . . . .	\$17,908,558
0330-0410	For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$30,000 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$30,000 shall be expended for Community Mediation of Worcester; provided further, that	

not less than \$58,000 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$35,000 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$35,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$57,835 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$35,000 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$50,000 shall be expended for the Community Dispute Settlement Center, Inc., of Cambridge; provided further, that not less than \$50,000 shall be expended for the Somerville Mediation Program; provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-Door Courthouse Program; provided further, that \$200,000 shall be expended for education and administrative needs of the trial court as well as free screening and possible referral for mediation services for claims filed by prisoners in the trial court and for pro se litigants; provided further, that not less than \$15,000 shall be expended for the Winchester mediation program; provided further, that \$200,000 shall be expended for an alternative resolution program administered by the chief justice of the superior court; and provided further, that all remaining funds from this item shall be expended for approved mediation programs in fiscal year 2001 . . . . . \$961,861

0330-0441 For	permanency mediation services in the probate and juvenile courts . . . . .	\$540,000
0330-0600 For	dental and optical health plan trust agreements . . . . .	\$4,315,034
0330-1000 For	trial court jury expenses . . . . .	\$2,730,000
0330-2000 For	the trial court law libraries; provided, that the chief justice for administration and management shall collaborate with the Massachusetts bar association, the Boston bar association and law schools in the commonwealth in developing a voluntary library assistance program . . . . .	\$2,101,837
0330-2002 For	the maintenance, purchase and binding of trial court law library materials . . . . .	\$3,047,118

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0330-2010	For the costs associated with computerized legal research . . . . .	\$305,079
0330-2020	For centralized law book purchases . . . . .	\$575,344
0330-2200	For the rental of county court facilities, in accordance with section 4 of chapter 29A of the General Laws; provided, that all payments made hereunder shall be made pursuant to written agreements; provided further, that quarterly payments shall be made to counties equal to an amount which shall be at least 90 per cent of the amount owed each quarter to such county in the preceding fiscal year, subject to reconciliation based on accurate cost data in the fourth quarter or in the succeeding fiscal year; provided further, that payments made to any county which fails to submit required cost data by the beginning of the third quarter of the fiscal year shall be withheld until such data is submitted to the chief justice for administration and management and approved as accurate; provided further, that said cost data shall be filed with the house and senate committees on ways and means; provided further, that every county receiving such payments shall maintain such funds in a separate account which shall be used solely for the maintenance of the rented facilities; provided further, that each county advisory board, upon receipt of the proposed budget by the county commissioners, shall have final approval of all expenditures under this item; and provided further, that no funds from this account shall be expended on trial court telecommunications costs or rental of private or municipal court facilities . . . . .	\$7,728,241
0330-2201	For the purchase, maintenance and lease of statewide telecommunications for the trial court; provided, that not less than \$255,000 shall be expended for data lines for the warrant management system . . . . .	\$3,343,913
0330-2202	For the payment of private and municipal court leases; provided, that not less than \$20,000 shall be expended for a lease for additional space for the district court of eastern Essex located in Gloucester . . . . .	\$9,953,230
0330-2205	For the costs associated with maintaining and operating courthouse facilities owned by the commonwealth . . . . .	\$21,305,919
0330-2207	For the costs associated with maintaining and operating the New Chardon street courthouse in the city of Boston, also known as the Edward W. Brooke Courthouse, and the Fenton Judicial center in the city of Lawrence; provided, that no	

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	funds may be expended for the purposes stated herein from any other item of appropriation . . . . .	\$3,507,819
0330-2300 For	the costs of witness fees . . . . .	\$245,000
0330-2410 For	the operation of the judicial training institute; provided, that not less than \$100,000 shall be expended for the training of court personnel on domestic violence issues; and provided further, that not less than \$100,000 shall be expended for a substance abuse training program . . . . .	\$807,464
0330-2600 For	the travel expenses of judicial personnel; provided, that the chief justice for administration and management shall promulgate rules and regulations governing the selection of justices for travel outside of the commonwealth for the purpose of judicial training; and provided further, that said rules and regulations shall give first priority to newly appointed justices for such training . . . . .	\$1,414,938
0330-2700 For	trial court printing expenses; provided, that the trial court shall maximize to the extent possible the use of recycled paper and soy-based ink products for any document printing and purchasing . . . . .	\$1,875,751
0330-2800 For	the cost of equipment purchases, rentals, maintenance and repairs; provided, that such purchases and rentals may be allocated by the chief justice for administration and management; and provided further, that in purchasing such equipment, the chief justice for administration and management shall utilize vendors approved by the state purchasing agent for such equipment whenever the terms offered by such vendors are more favorable than those otherwise available; and provided further that \$108,000 shall be allocated for necessary renovations to the District Court of Springfield public access areas . . . . .	\$3,469,453
0330-3200 For	the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 detailing the number of court officers and security personnel located in each trial	



	court of the commonwealth; provided further, that not more than \$4,000 shall be expended from this item for the purposes of providing security personnel for extended service hours in the Fitchburg Law Library; provided further, that one additional associate court officer for the Barnstable division of the juvenile court and one additional court officer for the district court of northern Berkshire at Adams shall be appointed and funded from this item in fiscal year 2001; and provided further, that not more than \$1,054,749 shall be expended from this item in fiscal year 2001 to hire 40 additional court officers . . . . .	\$45,550,974
0330-3300 For	the payment of office, administrative and special expenses of the trial court to be allocated by the chief justice for administration and management . . . . .	\$788,629
0330-3700 For	the court interpreters program; provided, that the chief justice for administration and management shall establish and direct a policy for the scheduling of court sessions in all court departments to cost-effectively utilize court language interpreters . . . . .	\$478,436
0330-4100 For	a trial court vacancy pool and reserve; provided, that not later than February 15, 2001, the chief justice for administration and management shall submit a report to the house and senate committees on ways and means detailing all assignments and allocations funded from this item . . . . .	\$437,500
0330-4111 For	a trial court probation reserve; provided that funds from this item shall be expended as determined by the chief justice for administration and management for the AA subsidiary payroll costs, so-called, of new probation officers; provided further, that funds shall be expended solely for the explicit purpose of reducing the number of probation officers needed in those courts demonstrating the most immediate need for additional probation officers, as determined by the workload formula of the commissioner of probation, according to the final quarterly report of fiscal year 2000; and provided further, that said commissioner shall provide said workload report, for each previous quarter, to the house and senate committees on ways and means on the first day of each quarter . . . . .	\$500,000
0330-4303 For	the chargeback costs of unemployment compensation, Medicare tax, workers' compensation, universal health and group insurance assessed against the employees and justices of the trial court . . . . .	\$6,005,941

*Superior Court Department.*

0331-0100	For the administrative office of the superior court department; provided, that not more than \$75,000 shall be expended for judicial education, including the semi-annual conferences, racial and gender bias orientation programs and judicial induction ceremonies . . . . .	\$8,079,767
0331-0300	For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws . . . . .	\$70,020
0331-2100	For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$563,126
0331-2200	For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$298,593
0331-2300	For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that said clerk of court shall designate one employee as deputy assistant clerk . . . . .	\$1,119,665
0331-2400	For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$181,739
0331-2500	For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$1,763,650
0331-2600	For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping . . . . .	\$350,226
0331-2700	For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$1,566,291

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0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$346,777
0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$4,098,497
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$135,239
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,366,710
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,317,941
0331-3300	For the Suffolk superior civil court; provided, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2001; provided further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping; and provided further, that five additional procedures clerks shall be funded from this line-item in fiscal year 2001	\$3,959,367
0331-3400	For the Suffolk superior criminal court; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001; and provided further, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$2,580,279
0331-3404	For an education and community outreach pilot program to be administered in the Suffolk superior criminal court	\$220,000
0331-3500	For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping	\$1,423,993

*District Court Department.*

0332-0100	For the administrative office of the district court department, including a civil conciliation program . . . . .	\$1,457,101
0332-1100	For the first district court of Barnstable . . . . .	\$1,978,478
0332-1200	For the second district court of Barnstable at Orleans . . . . .	\$1,191,147
0332-1203	For the third district court of Barnstable at Falmouth; provided, that one additional sessions clerk and three additional probation officers shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$1,178,492
0332-1300	For the district court of northern Berkshire at Adams, North Adams and Williamstown . . . . .	\$720,235
0332-1400	For the district court of central Berkshire at Pittsfield; provided, that two additional probation officers shall be funded from this item in fiscal year 2001 . . . . .	\$1,280,951
0332-1500	For the district court of southern Berkshire at Great Barrington and Lee . . . . .	\$545,741
0332-1600	For the first district court of Bristol at Taunton; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$2,062,788
0332-1700	For the second district court of Bristol at Fall River; provided that one additional administrative assistant and two additional procedure clerks shall be funded from this item in fiscal 2001 . . . . .	\$2,706,788
0332-1800	For the third district court of Bristol at New Bedford; provided, that no expenditures shall be made from this item without the prior written approval of the chief justice of the district court department; provided further, that said chief justice shall provide written notification to the house and senate committees on ways and means detailing each authorized expenditure within 30 days of such expenditure; provided further, that four additional probation officers shall be appointed and funded from this item in fiscal year 2001; and provided further, that notwithstanding any laws to the contrary the chief justice of the district court department shall appoint any additional employees funded herein . . . . .	\$3,023,170
0332-1900	For the fourth district court of Bristol at Attleboro; provided, that three additional probation officers shall be funded from this item in fiscal year 2001 . . . . .	\$1,438,685
0332-2000	For the district court of Edgartown; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$382,821



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0332-2100	For the first district court of Essex at Salem; provided, that one case specialist and one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$2,130,374
0332-2300	For the third district court of Essex at Ipswich .....	\$429,321
0332-2400	For the central district court of northern Essex at Haverhill; provided, that two additional probation officers shall be appointed and funded from this item in fiscal year 2001 .....	\$1,972,362
0332-2500	For the district court of eastern Essex at Gloucester .....	\$912,288
0332-2600	For the district court of Lawrence .....	\$3,458,462
0332-2700	For the district court of southern Essex at Lynn; provided, that one additional assistant chief probation officer, three additional probation officers, and one additional head administrative assistant shall be appointed and funded from this item in fiscal year 2001 .....	\$3,096,525
0332-2800	For the district court of Newburyport .....	\$1,552,437
0332-2900	For the district court of Peabody .....	\$1,237,201
0332-3000	For the district court of Greenfield .....	\$1,307,051
0332-3100	For the district court of Orange; provided, that one additional conflict resolution specialist and one additional assistant clerk magistrate be appointed and funded from this item in fiscal year 2001 .....	\$676,054
0332-3200	For the district court of Chicopee; provided, that one additional administrative secretary, two additional probation officers, and one additional secretary I shall be appointed and funded from this item in fiscal year 2001 .....	\$1,170,857
0332-3300	For the district court of Holyoke; provided, that three additional probation officers and two probation case specialists shall be appointed and funded from this item in fiscal year 2001 ...	\$1,348,064
0332-3400	For the district court of eastern Hampden at Palmer .....	\$829,628
0332-3500	For the district court of Springfield; provided, that two additional probation officers, one additional sessions clerk, and one additional courtroom procedures clerk shall be appointed and funded from this item in fiscal year 2001 .....	\$4,250,692
0332-3600	For the district court of western Hampden at Westfield .....	\$856,241
0332-3700	For the district court of Hampshire at Northampton .....	\$1,774,968
0332-3800	For the district court of eastern Hampshire at Ware .....	\$643,885
0332-3900	For the district court of Lowell; provided, that one additional sessions clerk, one additional courtroom procedures clerk, one additional assistant clerk magistrate, and two additional	

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	procedures clerks II shall be appointed and funded from this item in fiscal year 2001 .....	\$3,508,224
0332-4000 For	the district court of Somerville; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001; and provided further, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$2,668,139
0332-4100 For	the district court of Newton; provided, that one additional sessions clerk and one additional procedures clerk I shall be appointed and funded from this item in fiscal year 2001 .....	\$1,029,846
0332-4200 For	the district court of Marlborough .....	\$1,203,990
0332-4300 For	the district court of Natick; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$868,153
0332-4400 For	the first district court of eastern Middlesex at Malden; provided, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 ...	\$2,207,616
0332-4500 For	the second district court of eastern Middlesex at Waltham ...	\$1,534,549
0332-4600 For	the third district court of eastern Middlesex at Cambridge ...	\$3,405,081
0332-4700 For	the fourth district court of eastern Middlesex at Woburn .....	\$2,300,218
0332-4800 For	the first district court of northern Middlesex at Ayer .....	\$1,228,052
0332-4900 For	the first district court of southern Middlesex at Framingham .....	\$2,226,310
0332-5000 For	the district court of central Middlesex at Concord .....	\$1,338,488
0332-5100 For	the district court of Nantucket; provided, that one additional probation officer and one additional procedures clerk I shall be appointed and funded from this item in fiscal year 2001 ....	\$299,054
0332-5200 For	the district court of northern Norfolk at Dedham; provided, that one additional probation officer shall be appointed and funded by this line item in fiscal year 2001 .....	\$2,126,770
0332-5300 For	the district court of East Norfolk at Quincy; provided, that three additional probation officers shall be appointed and funded from this item in fiscal year 2001 .....	\$4,840,613
0332-5400 For	the district court of western Norfolk at Wrentham; provided that two additional procedure clerks shall be funded from this item in fiscal year 2001 .....	\$1,530,651
0332-5500 For	the district court of southern Norfolk at Stoughton; provided that one additional office manager shall be funded from this item in fiscal year 2001 .....	\$1,732,055
0332-5600 For	the municipal court of Brookline .....	\$878,959

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0332-5700	For the district court of Brockton; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$3,302,760
0332-5800	For the second district court of Plymouth at Hingham .....	\$1,932,629
0332-5900	For the third district court of Plymouth at Plymouth; provided, that the temporary assistant clerk magistrate position shall be made permanent .....	\$2,046,702
0332-6000	For the fourth district court of Plymouth at Wareham; provided further, that two additional assistant clerk magistrates, one additional probation officer and two additional procedures clerk I shall be appointed and funded from this item in fiscal year 2001 .....	\$1,965,436
0332-6100	For the district court of Brighton; provided, that an additional head procedures clerk position to serve in the office of the clerk magistrate shall be funded from this item in fiscal year 2001 .....	\$1,335,643
0332-6200	For the district court of Charlestown; provided, that one assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$819,303
0332-6300	For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court .....	\$2,383,777
0332-6400	For the municipal court of the Dorchester district .....	\$4,606,959
0332-6500	For the district court of East Boston .....	\$1,702,584
0332-6600	For the district court of Roxbury; provided, that an additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 .....	\$3,678,324
0332-6700	For the district court of South Boston; provided, that four additional probation officers shall be appointed and funded from this item in fiscal year 2001 .....	\$1,187,873
0332-6800	For the district court of West Roxbury; provided, that not less than \$10,000 shall be expended from this item for the purposes of providing video conferencing at said district court; provided further, that one additional judicial secretary shall be appointed and funded from this item in fiscal year 2001; and provided further, that three additional probation officers shall be funded from this item in fiscal year 2001 ...	\$2,322,600

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0332-6900	For the central district court of Worcester; provided, that one additional head administrative assistant for operations, communications and information management shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$4,292,464
0332-7000	For the district court of Fitchburg . . . . .	\$1,363,447
0332-7100	For the district court of Leominster; provided, that an additional assistant clerk magistrate and an additional procedure clerk I shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$1,065,044
0332-7200	For the district court of Winchendon . . . . .	\$272,217
0332-7300	For the first district court of northern Worcester at Gardner . . . . .	\$1,117,131
0332-7400	For the first district court of eastern Worcester at Westborough . . . . .	\$1,098,235
0332-7500	For the second district court of eastern Worcester at Clinton; provided, that an assistant chief probation officer shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$785,329
0332-7600	For the district court of southern Worcester at Dudley; provided, that an additional assistant clerk magistrate shall be funded appointed and funded from this item in fiscal year 2001; and provided further, that two additional probation officers shall be funded from this item in fiscal year 2001 . . . . .	\$1,297,204
0332-7700	For the second district court of southern Worcester at Uxbridge . . . . .	\$897,185
0332-7800	For the third district court of southern Worcester at Milford . . . . .	\$982,014
0332-7900	For the district court of western Worcester at East Brookfield; provided, that one additional assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$962,754
0332-8000	For the development of an early intervention project for substance abusers at the Cambridge division of the district court department; provided, that such project shall be administered by a seven member advisory board consisting of the first justice of the Cambridge court or his designee, the clerk of the Cambridge court or his designee, the chief probation officer of the Cambridge court or his designee, the Middlesex county district attorney or his designee, the city manager of the city of Cambridge or his designee, the chief administrative justice of the trial court or his designee and one person to be appointed by the governor; and provided further, that the employment conditions of the project director and the allocation of project funds shall be determined by the executive board . . . . .	\$110,000



*Probate and Family Court Department.*

0333-0002	For the administrative office of the probate and family court department; provided, that the case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of cases in the probate court and the parties' progress made in such backlog each month; and provided further, that those employees of the probate and family court department classified at job group 19 in the 1982 collective bargaining agreement shall be reclassified to job group 20 or its equivalent .....	\$1,647,313
0333-0100	For the Barnstable probate court; provided, that one additional administrative assistant II shall be appointed and funded from this item in fiscal year 2001; provided further, that \$63,700 shall be expended for the appointment and funding of one administrative deputy assistant register; and provided further, that notwithstanding any general or special laws to the contrary, the first justice of said court shall appoint one additional deputy assistant register to be funded from this item in fiscal year 2001 .....	\$1,583,377
0333-0150	For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs (a) and (b) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws .....	\$90,000
0333-0200	For the Berkshire probate court; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001 .....	\$846,840
0333-0300	For the Bristol probate court; provided, that one additional assistant chief probation officer and three additional probation officers shall be appointed and funded from this item in fiscal year 2001 .....	\$2,584,582
0333-0400	For the Dukes probate court .....	\$270,548
0333-0500	For the Essex probate court; provided, that two assistant registers shall be appointed and funded from this item in fiscal year 2001; and provided further, that an additional probation officer shall be funded from this item in fiscal year 2001 .....	\$2,507,880
0333-0600	For the Franklin probate court .....	\$811,183

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0333-0700	For the Hampden probate court; provided, that one additional deputy assistant register shall be appointed and funded from this item in fiscal year 2001; and provided further, that one additional probation officer and two additional procedure clerks shall be funded from this item in fiscal year 2001 . . . . .	\$2,863,282
0333-0711	For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court . . . . .	\$50,000
0333-0800	For the Hampshire probate court; provided, that one additional deputy assistant register shall be appointed and funded from this item in fiscal year 2001; and provided further, that one additional administrative deputy assistant register shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$973,877
0333-0900	For the Middlesex probate court; provided, that two additional probation officers, an additional sessions clerk, and an additional administrative secretary shall be funded from this item in fiscal year 2001; provided further, that two additional assistant registers shall be appointed and funded from this item in fiscal year 2001; and provided further, that notwithstanding any general or special laws to the contrary, the first justice of said court shall appoint four additional deputy assistant registers to be funded from this line item in fiscal year 2001 . . . . .	\$4,852,502
0333-0911	For the Middlesex probate court family services clinic . . . . .	\$261,667
0333-1000	For the Nantucket probate court . . . . .	\$199,490
0333-1100	For the Norfolk probate court . . . . .	\$2,969,725
0333-1111	For the Norfolk probate court family services clinic . . . . .	\$164,023
0333-1200	For the Plymouth probate court . . . . .	\$2,283,537
0333-1300	For the Suffolk probate court; provided, that an additional assistant register shall be appointed and funded from this item in fiscal year 2001; and provided further, that an additional administrative assistant to be appointed by the register of probate shall be funded from this item in fiscal year 2001 . . . . .	\$3,705,956
0333-1313	For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and pro-	

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	vided further, that said program shall be administered by the register of probate of Suffolk county . . . . .	\$198,921
0333-1400	For the Worcester probate court; provided, that one additional head administrative assistant and one additional sessions clerk shall be appointed and funded from this item in fiscal year 2001; and provided further, that notwithstanding any general or special laws to the contrary, the first justice of said court shall appoint one additional deputy assistant register to be funded from this item in fiscal year 2001 . . . . .	\$2,753,059
0333-1411	For the Worcester probate court family services clinic . . . . .	\$213,046

*Land Court Department.*

0334-0001	For the operation of the land court . . . . .	\$2,574,809
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*Boston Municipal Court Department.*

0335-0001	For the operation of the Boston municipal court; provided, that \$67,000 shall be expended from this item in fiscal year 2001 to fund a legal counsel to the chief justice, so-called . . .	\$8,627,513
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*Housing Court Department.*

0336-0002	For the administrative office of the housing court department . . . . .	\$291,432
0336-0100	For the Boston housing court . . . . .	\$1,170,415
0336-0200	For the western division of the housing court . . . . .	\$619,536
0336-0300	For the Worcester county housing court . . . . .	\$686,993
0336-0400	For the southeastern division of the housing court; provided, that one assistant clerk magistrate and one additional administrative secretary shall be appointed and funded from this item in fiscal year 2001; and provided further, that an additional housing specialist shall be funded from this item in fiscal year 2001 . . . . .	\$1,105,911
0336-0500	For the northeastern division of the housing court . . . . .	\$719,470

*Juvenile Court Department.*

0337-0002	For the administrative office of the juvenile court department; provided, that eight additional law clerks shall be funded from this item in fiscal year 2001 . . . . .	\$1,219,383
0337-0003	For the personnel and expenses associated with the expansion of the juvenile court, including Berkshire, Essex, Hampshire/Franklin, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester and Nantucket/Dukes counties; provided, that \$100,000 shall be expended on the CASA pro-	

	gram, so-called, in the Lawrence juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Worcester juvenile court; provided further, that \$80,000 shall be expended for the CASA program in the Plymouth county juvenile court; provided further, that \$85,000 shall be expended for the Franklin/ Hampshire CASA program, including Northampton, Green-field, Orange and Ware district courts; provided further, that \$60,000 shall be expended for a Berkshire CASA program in the Berkshire county juvenile court; provided further, that one additional probation officer for Plymouth county shall be appointed and funded from this item in fiscal year 2001; provided further, that one additional assistant clerk magistrate for the Middlesex juvenile session at Lowell shall be appointed and funded from this item in fiscal year 2001; provided further, that two additional assistant clerk magistrates for the Norfolk juvenile court and one assistant clerk magistrate for the Middlesex juvenile court shall be appointed and funded from this line item in fiscal year 2001; and provided further, that one additional head procedures clerk I, one additional secretary, one additional probation officer, and one additional administrative assistant shall be appointed and funded for the Middlesex juvenile court in fiscal year 2001 . . . . .	\$15,884,482
0337-0100 For	the Boston juvenile court; provided, that two additional assistant clerk magistrates shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$4,172,331
0337-0200 For	the Bristol juvenile court . . . . .	\$2,719,660
0337-0300 For	the Springfield juvenile court; provided, that \$160,000 shall be expended for the CASA program, so-called, in the Springfield juvenile court; and provided further, that two probation officers, one procedures clerk I, and one assistant clerk magistrate shall be appointed and funded from this item in fiscal year 2001 . . . . .	\$1,766,871
0337-0400 For	the Worcester juvenile court; provided, that a probation officer shall be funded from this item for the purposes of providing outreach and coordinating services with executive branch and non-profit agencies and local school districts in fiscal year 2001 . . . . .	\$1,495,635
0337-0500 For	the Barnstable county juvenile court located in the town of Plymouth . . . . .	\$2,109,960



*Office of the Commissioner of Probation.*

- 0339-1001 For the office of the commissioner of probation; provided, that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in-charge; provided further, that two additional head administrative assistants, 16 additional probation officers in charge, 13 additional associate probation officers, one additional regional supervisor, one additional chief probation officer, and one additional deputy commissioner shall be funded from this item in fiscal year 2001; provided further, that not more than \$100,000 shall be expended for electronic monitoring equipment; provided further that not more than \$504,092 shall be expended from this item for 2 program managers, 2 court service coordinators and 10 assistant court service coordinators for the operation of a statewide probation electronic monitoring program; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 of this act . . . . . \$12,682,160
- 0339-1002 For the superior court probation services; provided, that one additional chief probation officer shall be funded from this item in fiscal 2001 for juvenile justice issues in Worcester county . . . . . \$9,731,353
- 0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided further, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); provided further, that \$117,837 shall be expended for seven assistant court service coordinators; provided further, that \$54,670 shall be expended for two court service coordinators; provided further, that \$44,169 shall be expended for two administrative assistants; provided further, that \$69,028 shall be expended for two program managers; provided further, that \$172,500 shall be

	expended on general office furnishings for Worcester juvenile and women's centers: provided further, that not less than \$211,000 shall be expended for the operation of the Suffolk county courts' community service program, so-called, to be supervised by the chief justice for administration and management; and provided further, that \$90,000 shall be expended for a drug treatment on demand drug offender program, so-called, in the district court of Lawrence .....	\$4,435,110
0339-1004 For	the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that \$225,000 shall be expended for the purpose of providing a community services for women program in the district court of Southern Essex; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2001; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for	

said programs to the house and senate committees on ways and means not later than September 15, 2001; provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers; and provided further, that the amount appropriated herein shall fund the annualization of such programs commenced in fiscal year 1999 pursuant to contracts established between said office and sheriffs' offices ..... \$12,125,000

*Office of the Jury Commissioner.*

0339-2100 For the office of jury commissioner in accordance with chapter 234A of the General Laws ..... \$2,323,668

**DISTRICT ATTORNEYS.**

*Suffolk District Attorney.*

0340-0100 For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that not less than \$125,000 shall be expended for a North Dorchester safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$125,000 shall be expended for a safe neighborhood initiative, so-called, in Suffolk county; provided further, that not less than \$278,713 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the city of Boston and in Suffolk county for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be deline-

ated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$14,515,670  
General Fund . . . . . 93.0%  
Victim and Witness Assistance Fund . . . . . 7.0%

*Middlesex District Attorney.*

0340-0200 For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$341,815 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the former Middlesex county in cities which shall include, but not be limited to, Lowell, Malden, Everett, Somerville, Medford, Cambridge and Woburn for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C



of chapter 277 or section 2A of Chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 ..... \$10,627,007

General Fund .....	89.0%
Victim and Witness Assistance Fund .....	11.0%

*Essex District Attorney.*

0340-0300 For the Essex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$156,670 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the cities of Lawrence and Lynn for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorneys shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of Chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 ..... \$7,062,004

General Fund .....	89.0%
Victim and Witness Assistance Fund .....	11.0%

*Worcester District Attorney.*

0340-0400 For the Worcester district attorney's office, including the victim

and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$126,000 shall be used for an anti-gang unit, so-called; provided further, that \$210,000 shall be expended for the costs associated with six-person jury sessions; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$7,517,349

General Fund . . . . .	92.0%
Victim and Witness Assistance Fund . . . . .	8.0%

*Hampden District Attorney.*

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$268,500 shall be used for a specialized homicide trial unit; provided further, that not less than \$156,421 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the cities of Holyoke and Springfield for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20 of this act; provided further, that not less than \$400,000 shall be expended for the continued implementation and operation

of the Hampden county anti-gang project, so-called, a comprehensive, organized and strategic effort of prosecution and law enforcement officials to identify, contain and prevent the existence, operation and mobility of gangs and gang activity and to prosecute the same; provided further, that the district attorney for Hampden county shall administer and direct said project in consultation with the chiefs of police of each city and town within Hampden county, the state police, the sheriff of Hampden county and all appropriate federal law enforcement authorities; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 ..... \$6,519,039

General Fund .....	87.0%
Victim and Witness Assistance Fund .....	13.0%

*Hampshire/Franklin District Attorney.*

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$150,000 shall be expended for the salaries and expenses of a children's advocacy project, so-called; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000

and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 . . . . . \$4,002,640  
General Fund . . . . . 86.0%  
Victim and Witness Assistance Fund . . . . . 14.0%

*Norfolk District Attorney.*

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 . . . . . \$6,984,129  
General Fund . . . . . 89.0%  
Victim and Witness Assistance Fund . . . . . 11.0%

*Plymouth District Attorney.*

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$90,437 shall be expended



for a community based juvenile justice prosecution program to be administered and operated in the city of Brockton for priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health pursuant to section 20 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 provided further, that the Plymouth county district Attorney's office shall employ a special assistant district attorney to specialize in the investigation and prosecution of alleged criminal offenses committed by inmates in state correctional facilities, county and state houses of corrections, and jails; provided further, that interagency service agreements shall be established between the Plymouth county district attorney's office and the office of the district attorneys for Bristol, and the Cape and Islands to equally share the compensation and related expenses of said special assistant; provided further, that said special assistant shall practice only in those jurisdictions participating in said interagency service agreement and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein ..... \$5,983,506

General Fund .....	88.0%
Victim and Witness Assistance Fund .....	12.0%

*Bristol District Attorney.*

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 ..... \$6,345,191  
General Fund ..... 87.0%  
Victim and Witness Assistance Fund ..... 13.0%

*Cape and Islands District Attorney.*

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that not less than \$90,245 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in Barnstable county for the priority prosecution of serious juvenile offenders and for intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20; provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year

2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001; provided further, that not less than \$20,000 shall be expended for the Cape and Islands Child Advocacy Center; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 . . . . . \$2,898,803  
General Fund . . . . . 83.0%  
Victim and Witness Assistance Fund . . . . . 17.0%

*Berkshire District Attorney.*

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that not less than \$68,386 shall be expended for a community-based juvenile justice prosecution program to be administered and operated in the county of Berkshire for priority prosecution of serious juvenile offenders and intervention through coordination and cooperation with local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health, pursuant to section 20 of this act; provided further, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 summarizing the number and type of criminal cases managed or prosecuted by said office in calendar year 2000 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000; and provided further, that said office shall submit a report detailing by case, the instances whereupon the provisions of section 70C of chapter 277 or section 2A of chapter 211D of the General Laws were applied in fiscal year 2000 and fiscal year 2001, to the house and senate committees on ways and means not later than February 1, 2001 . . . . . \$2,692,550  
General Fund . . . . . 80.0%  
Victim and Witness Assistance Fund . . . . . 20.0%

*District Attorneys Association.*

0340-2100	For a reserve for the implementation and related expenses of the district attorney's office automation and case management and tracking system; provided, that expenses associated with said system may be charged directly to this item; provided further, that each district attorney shall submit a report to the district attorneys association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing said case management and tracking system no later than January 1, 2001; provided further, that said report shall include, but not be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2001 and a detailed summary of any policies implemented to contain the costs of said network by either the Massachusetts district attorneys association or the individual district attorneys offices; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . .	\$1,425,312
0340-2101	For the overtime costs of state police officers assigned to the district attorneys; provided, that no such costs associated with said officers shall be funded from item 8100-0007; provided, that not less than \$290,533 shall be expended at the direction of the district attorney for the Suffolk district; provided further, that not less than \$407,123 shall be expended at the direction of the district attorney for the Middlesex district; provided further, that not less than \$387,660 shall be expended at the direction of the district attorney for the Essex district; provided further, that not less than \$312,454 shall be expended at the direction of the district attorney for the Worcester district; provided further, that not less than \$244,115 shall be expended at the direction of the district attorney for the Hampden district; provided further, that not less than \$142,171 shall be expended	



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at the direction of the district attorney for the Franklin/Hampshire district; provided further, that not less than \$354,080 shall be expended at the direction of the district attorney for the Norfolk district; provided further, that not less than \$269,240 shall be expended at the direction of the district attorney for the Plymouth district; provided further, that not less than \$254,998 shall be expended at the direction of the district attorney for the Bristol district; provided further, that not less than \$208,611 shall be expended at the direction of the district attorney for the Cape and Islands district; provided further, that not less than \$78,448 shall be expended at the direction of the district attorney for the Berkshire district; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . . \$3,606,273

Highway Fund . . . . .	88.20%
Local Aid Fund . . . . .	9.50%
General Fund . . . . .	2.30%

EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor, and the governor's council; provided, that the amount appropriated herein maybe used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for, and may be transferred to items of appropriation where the amounts otherwise available may be insufficient; provided further, that \$25,000 shall be expended for office supplies for the offices of the governor's council; and provided further, that not less than \$75,000 shall be expended for a program for the promotion of preventive medicine through physical fitness and sports activities in the commonwealth to be administered by the governor's committee on physical fitness and sports, prior appropriation continued . . . . . \$5,656,001

0411-1010 For the governor's commission on mental retardation . . . . . \$206,760

**SECRETARY OF STATE.**  
*Office of the Secretary of State.*

0511-0000	For the operation of the office of the secretary; provided, that not less than \$13,440 shall be encumbered to provide a copy of the most recent edition of the state building code, as promulgated by the board of building regulations and standards, to each community in the commonwealth; provided further, that said copies shall be mailed to one public library in each community, or to the city or town hall in communities where no public library exists; provided further, that said copies shall be available during the hours such facilities are open to the public; provided further, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that said report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; and provided further, that said office shall submit said report not later than February 1, 2001 to the house and senate committees on ways and means . . . . .	\$7,091,359
0511-0001	The state secretary is hereby authorized to expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory . . . . .	\$30,000
0511-0200	For the operation of the state archives division . . . . .	\$559,012
0511-0230	For the operation of the records center . . . . .	\$174,091
0511-0250	For the operation of the archives facility . . . . .	\$608,693
0511-0260	For the operation of the commonwealth museum . . . . .	\$247,764
0517-0000	For the printing of public documents . . . . .	\$1,205,869
0521-0000	For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield and Worcester; provided further, that such registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that said secretary shall submit a report to the house and senate committees on ways	

	and means not later than February 1, 2001 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town . . . . .	\$4,968,877
0521-0001	For the operation of the central voter registration computer system; provided that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than December 1, 2001; and provided further, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and mean on or before February 1, 2001 . . . . .	\$4,705,566
0524-0000	For providing information to voters . . . . .	\$1,280,323
0526-0100	For the operation of the Massachusetts historical commission; provided, that \$150,000 shall be expended for the Soper Memorial Fountain in the city of Taunton; provided further, that \$125,000 shall be expended for the restoration, improvements and one public relations position for the Zeiterion Theatre; provided further, that \$50,000 shall be expended for the historic Summer Street Fire Station in the town of Natick; provided further, that \$146,700 shall be expended for the rehabilitation and reconstruction of the Waters Farm Historic Site in the town of Sutton; provided further, that \$250,000 shall be expended for a grant to the New Bedford Historical Society for capital improvements and start up costs to establish an educational program recognizing New Bedford's prominent role in the abolition movement, the underground railroad and the Nathan and Polly Johnson-Frederick Douglass house; provided further, that said organization shall collaborate with the Frederick Douglass Unity House at UMass Dartmouth; provided further, that \$95,000 shall be expended for the revitalization of the historic Bandstand in the town of Shrewsbury; provided further, that \$250,000 shall be expended for a matching grant for repairs to the strand theater in the city of Boston; provided further, that \$60,000 shall be expended for the Toby House in the town of Wareham; provided further, that not less than \$25,000 shall be expended for the	

	Saugus Town Hall Auditorium; provided further, that \$125,000 shall be expended for the restoration and improvement of the Corson building; provided further, that \$1,000,000 shall be expended for the restoration of the historic Clinton fire station; provided further, that \$100,000 shall be provided for the final year of state financial assistance for the Worcester women's history project; and provided further, that \$25,000 shall be expended for the refurbishment of the historic Sudbury grange . . . . .	\$3,608,792
0527-0100	For the operation of the ballot law commission . . . . .	\$17,500
0528-0100	For the operation of the records conservation board . . . . .	\$34,989
0540-0000	For the purchase and installation of computer hardware and software technology for the registries of deeds; provided, that the state secretary is hereby directed to submit a spending plan on or before January 1, 2001 detailing all planned expenditures to be made from this item to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that said plan shall be developed in collaboration with the registry of deeds whose operations have been transferred to the jurisdiction of said secretary; provided further, that said plan shall detail the type and quantity of technology purchased for each registry in fiscal year 2001 and projected for fiscal year 2002 and shall include, but not be limited to, a plan to insure statewide compatibility with all other registries and users of said registries; and provided further, that no funds shall be expended or transferred from this item until said spending plan is submitted . . . . .	\$1,260,000
0540-0900	For the registry of deeds located in Lawrence in the former county of Essex; provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be de-	



tailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$913,350

0540-1000 For the registry of deeds located in Salem in the former county of Essex; provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$2,766,330

- 0540-1100 For the registry of deeds in the former county of Franklin provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$563,732
- 0540-1200 For the registry of deeds in the former county of Hampden provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a

	delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$2,102,262
0540-1300 For	the registry of deeds in the former county of Hampshire provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$614,169
0540-1400 For	the registry of deeds located in Lowell in the former county of Middlesex provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year

2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$1,372,587

0540-1500 For the registry of deeds located in Cambridge in the former county of Middlesex provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a



delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$3,579,430

0540-1600 For the registry of deeds located in Adams in the former county of Berkshire provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$342,481

0540-1700 For the registry of deeds located in Pittsfield in the former county of Berkshire provided, that not later than January 1,

2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$532,950

0540-1800 For the registry of deeds located in Great Barrington in the former county of Berkshire provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that shall spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a

	delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . .	\$244,780
0540-1900 For	the registry of deeds in the former county of Suffolk provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . .	\$2,213,471
0540-2000 For	the registry of deeds located in Fitchburg in the former county of Worcester provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways	

and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$527,174

0540-2100 For the registry of deeds located in the city of Worcester in the former county of Worcester provided, that not later than January 1, 2001, the register shall submit a final spending plan for fiscal year 2001 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification,



rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2001 and the total projected deeds excise tax revenue for fiscal year 2002 . . . . . \$2,381,363

**TREASURER AND RECEIVER-GENERAL.**  
*Office of the Treasurer and Receiver-General.*

- 0610-0000 For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees, so-called, exceed the amount appropriated in item 0610-0100, the treasurer is authorized, subject to an allocation plan filed in advance with the house and senate committees on ways and means, to transfer from this item to said item, an amount sufficient to ensure full payment of said bank fees . . . . . \$7,791,345
- General Fund . . . . . 50.0%
- Local Aid Fund . . . . . 40.0%
- Highway Fund . . . . . 10.0%
- 0610-0100 For the payment of bank fees; provided, that the treasurer may transfer funds from this item to 0610-0000 for one-time, non-recurring expenditures upon certification to the secretary of administration and finance that the remaining balance in this account will be sufficient to make all necessary expenditures . . . . . \$5,300,000
- General Fund . . . . . 50.0%
- Local Aid Fund . . . . . 40.0%
- Highway Fund . . . . . 10.0%
- 0610-1500 For tuition payments as required by section 12B of chapter 76 of the General Laws, notwithstanding the provisions of chapter 29 of the General Laws to the contrary; provided, that the state treasurer may expend in anticipation of revenue such amounts as are necessary to meet such payments; and provided further, that the state treasurer shall deduct the amount expended from this account from items

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7061-0008 and 0611-5500 and from the amounts specified in section 3, in accordance with the provisions of said section 12B of said chapter 76.

0611-1000 For	bonus payments to war veterans .....	\$17,500
0611-5500 For	additional assistance to cities and towns to be distributed according to the provisions of section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that said distribution to said public entities shall equal \$1,249,948 .....	\$477,565,230
	Local Aid Fund .....	100.0%
0611-5510 For	reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws .....	\$18,000,000
	Local Aid Fund .....	100.0%
0611-5800 For	distribution to each city and town within which racing meetings are conducted pursuant to section 18D of chapter 58 of the General Laws .....	\$1,605,752
	Local Aid Fund .....	100.0%

Pension Benefits.

0612-0105 For	payment of the public safety employee killed-in-line-of-duty benefit authorized by section 100A of chapter 32 of the General Laws .....	\$500,000
	Local Aid Fund .....	100.0%
0612-1010 For	the Commonwealth's Pension Liability Fund established under section 22 of chapter 32 of the General Laws; provided, that the amount appropriated herein shall constitute the first payment of an 18 year funding schedule for the commonwealth's unfunded pension liability except as may be provided by section 440; provided further, that the amount appropriated herein shall meet the commonwealth's obligations under section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a three per cent cost-of-living adjustment pursuant to the provisions of section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor benefits pursuant to chapter 389 of the	

acts of 1984; provided further, that subject to the rules and regulations promulgated by the treasurer, the state retirement board and each city, town, county and district shall verify the cost thereof and the treasurer shall be authorized to make such payments upon a transfer of funds as hereinafter provided, to reimburse certain cities and towns for pensions to retired teachers and including any other obligations which the common-wealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and including the commonwealth's share of the amounts to be appropriated pursuant to section 22B of said chapter 32 and the amounts to be appropriated pursuant to subsection (a) of the last paragraph of section 21 of chapter 138 of the General Laws; provided further, that all payments for the purposes herein described shall be made only pursuant to distribution of monies from said fund; provided further, that any such distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the commissioner of administration with the house and senate committees on ways and means and the joint committee on public service in advance of such distribution; provided further, that such distributions shall not be made in advance of the date on which any payment is actually to be made; provided further, that the state retirement board is authorized to expend an amount for the purposes of the higher education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the General Laws; provided further, that except where authorized herein, no funds shall be expended from this item, other than deposits to the Commonwealth's Pension Liability Fund; and provided further, that to the extent that the amount appropriated herein exceeds the amount necessary to adequately fund this item, said excess amount shall be credited to the pension reserve investment trust fund of the commonwealth for the purpose of reducing the unfunded pension liability of the commonwealth . . . . . \$922,050,000

Local Aid Fund . . . . .	59.00%
General Fund . . . . .	33.90%
Highway Fund . . . . .	7.00%
Inland Fisheries and Game Fund . . . . .	0.10%

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0612-1508	For a pension liability reserve for the sole purpose of supplementing the amount appropriated in item 0612-1010, notwithstanding the provisions of section 22C of chapter 32 of the General Laws; and provided further, that no funds shall be expended from this item, other than deposits to the Commonwealth's Pension Liability Fund . . . . .	\$100,000,000
0612-2000	For retirement benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988, and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission, for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district, for retirement allowances of certain veterans formerly in the service of the metropolitan water system and for annuities for widows or widowers of certain former members of the uniformed branch of the state police . . . . .	\$19,433,757
	General Fund . . . . .	82.20%
	Highway Fund . . . . .	17.80%

Commission on Firefighters' Relief.

0620-0000	For financial assistance to injured firefighters . . . . .	\$9,808
	Local Aid Fund . . . . .	100.0%

Emergency Finance Board.

0630-0000	For the operation of the emergency finance board; provided, that notwithstanding the provisions of any general or special law to the contrary, no employee of the department of revenue shall receive any reimbursement for services from this item . . . .	\$69,421
	Local Aid Fund . . . . .	100.0%



*Lottery Commission.*

0640-0000	For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; provided further, that \$9,036,917 shall be allocated to the telecommunication lease-to-purchase costs associated with the replacement of the commission's computer system; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund; and provided further, that up to \$3,600,000 shall be allocated for costs associated with replacing, repairing and upgrading lottery ticket vending machines . . . .	\$70,195,594
0640-0005	For the costs associated with the continued implementation of the game of keno, so-called; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund . . . . .	\$1,380,546
0640-0010	For the promotional activities associated with the state lottery program; provided, that such promotional expenses shall be limited to point-of-sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund . . . . .	\$400,000
0640-0096	For the purpose of the commonwealth's fiscal year 2001 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL-CIO; provided, that said contributions shall be paid to said trust fund on such basis as said collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the general fund . . . . .	\$311,948

*Massachusetts Cultural Council.*

0640-0300	For the services and operations of the council; including grants to or contracts with public and non-public entities; provided, that notwithstanding the provisions of any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in such amounts and at such times as the council may determine pursuant to section 54 of said chapter 10; that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the general fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts school-children and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts school-children, does not apply the same terms and conditions to all such school-children; provided further, that \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of such organizations and said assistance shall be in the form of challenge grants to said organizations; provided further, that in order to receive such grants a cultural organization must raise an amount at least equal to the amount of the grant for said organization's endowment; provided further, that funds provided by such grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that no grant made under this program shall exceed \$100,000; and provided further, that persons employed under this item shall be considered employees within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining units . . . . .	\$14,170,608
0640-0350	For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the	

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council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren ..... \$3,329,850

Debt Service.

0699-0015 For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that payments on bonds issued pursuant to section 2 O of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding the provisions of any general or special law to the contrary or the provisions of this item, the comptroller is hereby authorized to charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file ten days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund ..... \$1,312,052,000

General Fund .....	56.34%
Highway Fund .....	31.93%

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	Local Aid Fund .....	11.39%	
	Watershed Management Fund .....	0.34%	
0699-2004	For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall .....		\$45,000,000
	Highway Fund .....	100.0%	
0699-9100	For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of such costs among the various funds of the commonwealth; provided further, that the comptroller shall charge such costs to such funds in accordance with such schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2001 shall be charged to the various funds or to the general fund or highway fund debt service reserves .....		\$16,250,000
0699-9101	For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997, as amended, an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11, as amended, and secured by the Federal Highway Grant Anticipation Note Trust Fund ..		\$62,042,000
0699-9200	For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws .....		\$13,285,138

*Office of the State Auditor.*

0710-0000	For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with the provisions of sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery and third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than September 30, 2000 delineating the privatization contracts reviewed and monitored during fiscal year 2000; and provided further, that such report shall further detail the number of full-time equivalent positions assigned by said office for the review of each of the aforementioned privatization contracts .....		\$14,754,231
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0710-0100 For the operation of the division of local mandates .....	\$732,968
Local Aid Fund .....	100.0%

ATTORNEY GENERAL.

*Office of the Attorney General.*

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with the provisions of chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; provided further, that funds may be expended for an amount up to \$250,000 for a grants program for the safe neighborhood initiative-jobs for youth program; provided further, that an additional \$250,000 shall be expended from the funds appropriated herein for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area, so-called, of Dorchester; provided further, that a health care policy unit shall be established for the purposes of coordination, enhancement and expansion of current health care policy enforcement efforts for the benefit of the public interest; and provided further, that the public proceedings unit shall review the water rate increases .....	\$21,633,622
General Fund .....	92.74%
Local Aid Fund .....	3.91%
Anti-Trust Law Enforcement Fund .....	1.98%
Victim and Witness Assistance Fund .....	0.88%
Safe Drinking Water Act Fund .....	0.49%
0810-0003 For the operation of a child protection unit, so-called .....	\$250,000
0810-0004 For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter	

	258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258A of the General Laws . . . . .	\$2,200,000
	General Fund . . . . .	78.21%
	Victim and Witness Assistance Fund . . . . .	21.79%
0810-0007 For	the overtime costs of state police officers assigned to the attorney general; provided, that no such costs associated with said officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . .	\$603,151
	Highway Fund . . . . .	88.20%
	Local Aid Fund . . . . .	9.50%
	General Fund . . . . .	2.30%
0810-0014 For	the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed to said unit shall be equal to the amount expended from this item . . . . .	\$1,469,796
0810-0017 For	the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to said section; provided, that the assessment levied for such expense shall be credited to the general fund . . . . .	\$75,000
0810-0021 For	the operation of the medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of such expenditure; provided further, that not less than \$225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all	

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	investigators of said department's division of health care quality responsible for such investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and said unit; and provided further, that such training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H . . . . .	\$1,836,486
0810-0045 For	the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, any non-management position funded by this item shall be deemed a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to the provisions of chapter 150E of the General Laws . . . . .	\$3,286,832
0810-0201 For	the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available herein may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general . . . . .	\$1,458,382
0810-0338 For	the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$285,882 . . . . .	\$285,882
0810-0399 For	the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding the provisions of section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$285,882; provided further, that the attorney general is hereby authorized and directed to investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws . . . . .	\$285,882

*Commission on Uniform State Laws.*

0830-0100 For the commission on uniform state laws ..... \$34,400

*Victim Witness Assistance Board.*

0840-0100 For the operation of the Massachusetts office for victim assistance ..... \$361,595

Victim and Witness Assistance Fund ..... 100.0%

0840-0101 For the safeplan advocacy program; provided that the amount allocated herein shall be expended on the salaries and employee benefits of safeplan advocates and regional coordinators, including the advocates in the Hampshire probate and family court and the Northampton and Ware district courts; provided, that \$37,000 from said program shall be made available to the Massachusetts office for victim assistance to administer the program; provided further, that said office shall submit to the house and senate committees on ways and means on or before February 3, 2001 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of service and service referrals provided by such domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies.. ..... \$479,325

**STATE ETHICS COMMISSION.**

0900-0100 For the operation of the state ethics commission ..... \$1,473,550

General Fund ..... 50.0%

Local Aid Fund ..... 50.0%

**OFFICE OF THE INSPECTOR GENERAL.**

0910-0200 For the operation of the office of the inspector general ..... \$2,317,000

0910-0210 The office of the inspector general is hereby authorized to expend revenues collected up to a maximum of \$300,000 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of said programs; provided, that for the purpose of accommodating



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	discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$300,000
0910-0220	The office of the inspector general is hereby authorized to expend revenues collected up to a maximum of \$100,000 from the fees charged to participants in a training and certification program to provide construction professionals with a sound foundation for careers in the commonwealth's construction agencies; provided, that said program may include, but is not limited to, instruction on construction delivery methods such as design/build, construction management techniques such as partnering and relevant procedures such as public contracts, procurement, capital funding, public bidding, estimating, scheduling and cost management; provided further, that the office of inspector general shall consult on said program with the commonwealth construction committee, so-called, representing, but not limited to, the executive office for administration and finance, the department of highways, the division of capital asset management and maintenance, the department of housing and community development and the executive office of environmental affairs; and provided further, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$100,000

OFFICE OF CAMPAIGN AND POLITICAL FINANCE.

0920-0300	For the operation of the office of campaign and political finance . . . . .	\$1,089,292
	General Fund . . . . .	50.0%
	Local Aid Fund . . . . .	50.0%
0950-0000	For the commission on the status of women . . . . .	\$195,000

OFFICE OF THE STATE COMPTROLLER.

- 1000-0001 For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2001 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$525,000 to other items of appropriation for the cost of said audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be credited to and expended from this item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and nontax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary of administration and finance; and provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected ..... \$8,189,841
- General Fund ..... 93.81%
- Revenue Maximization Fund ..... 6.19%
- 1000-0004 The office of the comptroller is hereby authorized and directed to expend an amount not to exceed \$2,000 from fees collected from vendors who participate in training on statewide financial systems including, but not limited to, the Massa-

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chusetts management accounting and reporting system; provided, that said office is hereby further authorized and directed to provide such training, to offer sessions to vendors who do business with the commonwealth and to establish and charge a reasonable fee for such training . . . . . \$2,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

*Office of the Secretary.*

- 1100-1100 For the office of the secretary . . . . . \$1,217,440
- 1100-1120 For the foundation budget review commission, so called, as set forth in section 4 of chapter 70 of the General Laws . . . . . \$50,000

*Office of Dispute Resolution.*

- 1100-1103 For the operation of the office of dispute resolution . . . . . \$471,852
- 1100-1104 The office of dispute resolution is hereby authorized to expend an amount not to exceed \$150,000 in revenues collected from fees charged to cities, towns or public instrumentalities, and other political subdivisions of the commonwealth or to corporations and individuals for the costs of mediation and related services; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the cost of personnel . . . . . \$150,000

*Central Business Office.*

- 1100-1140 For the operation of the central business office; provided, that said office shall quantify office expenditures which shall be reduced through shared contracts, bulk purchasing and other centralized procurement savings programs for the agencies served by said office; and provided further, that documentation of said expenditures and any resulting savings shall be submitted to the house and senate committees on ways and means not later than December 1, 2000 . . . . . \$1,996,400

*Massachusetts Corporation For Educational Telecommunications.*

- 1100-1400 For a payment to the Massachusetts corporation for educational telecommunications; provided, that said corporation shall

submit a spending plan which details the total actual and projected expenditures and revenues for fiscal year 2001; provided further, that said spending plan shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; and provided further, that said report and said spending plan shall be filed with the house and senate committees on ways and means no later than December 1, 2000 ..... \$3,677,000

*State House Physician.*

1100-2600 For the emergency services and expenses of a physician, and for medical supplies in the state house, including the purchase of equipment in connection therewith; provided, that section 21 of chapter 30 of the General Laws shall not apply to the payments made under this item, prior appropriation continued ..... \$26,170

*Fiscal Affairs Division.*

1101-2100 For the administration of the fiscal affairs division, including costs associated with a capital budgeting program; provided, that charges for the cost of computer resources and services provided by the information technology division for the design, development and production of reports and information required to be included in budgets submitted by the governor to the legislature shall not be charged to this item ..... \$2,156,968

*Division of Capital Asset Management and Maintenance.*

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$6,500,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; provided, that the building manager selected by said division shall make such expenditures on behalf of said division pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that notwithstanding the provisions of any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expen-



	ditures, said division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . .	\$6,500,000
	State Building Management Fund . . . . .	100.0%
1102-3206 For	the costs associated with the maintenance and security of surplus state properties, so-called; provided, that not more than \$100,000 shall be expended for basic maintenance and security needs of the state buildings at Medfield State Hospital . . . . .	\$1,013,685
1102-3210 For	the operation of the division of capital asset management and maintenance including directing, controlling, supervising, planning and overseeing the scheduled maintenance and repair needs of capital assets owned by the commonwealth; provided, that said division shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of said division, and for all administrative and personnel expenses of said division charged to said bonds; provided further, that all such amounts so reported shall be detailed by object code; provided further, that said reports shall be filed not later than 30 days after the end of each quarter; provided further, that a regional position within the division to be housed in the Springfield state office building is created to work on issues and projects in Berkshire, Franklin, Hampden and Hampshire counties; provided further, that the costs of personnel associated with the comprehensive capital assets maintenance system, to be known as CCAMS and established pursuant to section 317 of chapter 127 of the acts of 1999, shall not annualize to an amount greater than \$450,000 as appropriated in item 1102-1992 of section 2A of chapter 55 of the acts of 1999; provided further, that said division shall submit a monthly report to the house and senate committees on ways and means detailing all projects funded from item 1102-7977 of section 2E of chapter 88 of the acts of 1997, item 1102-3210 of section 2 of chapter 194 of the acts of 1998 and item 1102-3204 of section 2 of chapter 127 of the acts of 1999; provided further, that said monthly report shall include, but not be limited to, the name and location of each project, the estimated commencement	

	and completion date of each project, the total amount that will be allocated for each project, the amount expended for each project, the amount obligated for each project, and the projected annual expenditures for each project; provided further, that said division shall conduct a study of the costs and benefits to taxpayers associated with relocating state agencies to office space outside of the city of Boston to the extent possible; provided further, that said study shall include, but not be limited to, a comparison of space rental costs in the city of Boston to space rental costs in at least five other metropolitan communities at least three of which must be over 25 miles from said city; provided further, that said study shall also examine the feasibility of redeveloping surplus state properties to house state agencies; and provided further, that \$25,000 shall be expended by said division to conduct a study to determine the costs and benefits of structural updates, including the best possible recreational and community use for the MDC building and the State Police barracks located on Soldiers' Field road in Brighton	\$5,932,225
1102-3214 For	the state transportation building; provided, that the division may expend revenues collected up to a maximum of \$6,700,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; provided further, that the building manager selected by said division shall make such expenditures on behalf of said division pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$6,700,000
	State Building Management Fund	100.0%
1102-3231 For	the Springfield state office building; provided, that the division may expend revenues collected up to a maximum of \$750,000 from rents charged to agencies occupying said building for the maintenance and operation of said building,	

pursuant to the provisions of section 2AA of chapter 29 of the General Laws; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, said division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$750,000

State Building Management Fund ..... 100.0%

1102-9999 For the costs associated with the removal of asbestos; provided, that an amount shall be expended for asbestos removal at Greenfield Community College based on the priority needs and estimated costs of asbestos removal at said site consistent with the amount appropriated herein; provided further, that not more than \$8,200 will be expended for a one-time payment to the elementary school district of the town of Norfolk for asbestos removal; provided further, that \$100,000 will be expended for the removal of asbestos at Plymouth county hospital; and provided further, that any additional revenues deposited to the asbestos cost recovery fund may be expended, for the purpose of this item, without further appropriation, prior appropriation continued ..... \$925,000  
Asbestos Cost Recovery Fund ..... 100.0%

*Bureau of State Office Buildings.*

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that said bureau shall retain full jurisdiction over all contracts, purchases and payments for any and all materials and services required in the operation of said bureau; provided further, that said bureau shall report to the house and senate committees on ways and means detailing the costs, savings and implementation requirements of a rent and routine maintenance intragovernmental chargeback, no later than September 1, 2000; provided further, that not less than \$200,000 shall be made available for cleaning and maintenance services of the Lindemann mental health center; provided further, that not less than \$200,000 shall be made available for the restoration and preservation of the historic flags displayed

in the state house hall of flags; provided further, that not less than \$90,000 shall be made available for the Massachusetts art commission; provided further, that notwithstanding the provisions of section 19 of chapter 6 of the General Laws, the chairman of said commission shall serve as executive director of said project and shall be compensated therefor from said \$90,000; provided further, that not more than \$120,000 shall be expended to improve cleaning in the west wing of the state house; provided further, that not more than \$50,000 shall be expended for an all-purpose lift; provided further, that not more than \$60,000 shall be expended to upgrade snow removal and garden equipment; provided further, that not more than \$45,000 shall be expended to replace chairs in the gardner auditorium in the state house; provided further, that not more than \$80,000 shall be expended to replace the carpet in said auditorium; provided further, that not more than \$200,000 shall be expended to complete the memorial hall of flags project, so-called; provided further, that not more than \$250,000 shall be expended to increase the use of electronic security devices in garages and parking areas; provided further, that not more than \$60,000 shall be expended to replace radio communication systems; and provided further, that not less than \$60,000 shall be expended to wash windows, including windows at the state house . . . . . \$9,875,166

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings . . . \$5,886,831

*Office on Disability.*

1107-2400 For the office on disability; provided, that not less than \$50,000 of the amount appropriated herein shall be expended for arts programs for people with disabilities, including, but not limited to, festivals, training and education through the arts . . . . . \$741,355

*Disabled Persons Protection Commission.*

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards, so-called;



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provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that said report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; provided further, that not less than \$17,094 shall be made available for the job reclassification of employees of the commission; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are recorded, that all persons who call said hotline shall be immediately informed that all calls are recorded, and each such person shall be provided with the opportunity to elect that the call not be recorded .....\$1,686,445

Civil Service Commission.

1108-1011 For the civil service commission; provided, that said commission shall submit to the house and senate committees on ways and means a report detailing the number of backlog cases that were settled from 1999 to 2001 not later than February 1, 2001 ..... \$586,730  
Local Aid Fund ..... 65.0%  
General Fund ..... 35.0%

Group Insurance Commission.

1108-5100 For the administration of the group insurance commission; provided, that said commission shall generate the maximum amounts allowable under the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws; provided, that not more than \$150,000 of the amount appropriated herein shall be expended for the design of a dental and vision benefit plan for retirees pursuant to section 411 .....\$2,473,231  
1108-5200 For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2001; provided, that

not more than \$300,000 shall be obligated for the evaluation and audit of said premium and plan costs; provided further, that not more than \$300,000 shall be obligated for the evaluation and negotiation of premium rates, which may include rates for health benefit plans, prescription drug plans and long-term disability plans; provided further, that not more than \$150,000 shall be obligated for claims utilization analysis; provided further, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the general fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance is authorized and directed to charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for said charges shall be credited to the general fund; provided further, that, notwithstanding the provisions of section 26 of chapter 29 of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts prior to July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding the provisions of chapter 150E of the General Laws and as

provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired prior to July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commission shall provide the number of retirees for whom the commonwealth pays said 85 per cent to the house and senate committees on ways and means by February 1 of each year; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates; provided further, that notwithstanding the provisions of chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that active employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall pay 15 per cent of such premiums and rates; and provided further, that the commission shall notify the house and senate committees on ways and means by February 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year . \$614,020,978

1108-5350 For elderly governmental retired employee premium payments ..... \$1,264,977

1108-5400 For the costs of the retired municipal teachers' premiums and the audit of said premiums ..... \$29,759,616

Local Aid Fund ..... 100.0%

1108-5500 For the costs, notwithstanding the provisions of chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that said employees shall pay 15 per cent of the monthly premium established by the commission for such

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benefits; and provided further, that the commission shall expend all necessary funds from this item to ensure that all dental and vision benefits shall be at least at the level in effect on June 30, 1998 . . . . . \$5,668,831

*Division of Administrative Law Appeals.*

1110-1000 For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws . . . . . \$737,729

*George Fingold Library.*

1120-4005 For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m.; provided further, that said library shall develop an internship program with any Massachusetts public or private college or university that offers, as of the effective date of this act, advanced studies in library and information science; and provided further, that said library shall continue the implementation program necessary in order to secure access to the wide area network . . . . . \$1,331,493

*Massachusetts Commission Against Discrimination.*

1150-5100 For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 1993 and cases pending before said commission in which the Massachusetts Bay Transportation Authority is named as a respondent; provided further, that no less than \$750,000 shall be expended in fiscal year 2001 for full-time equivalent investigators, attorneys, conciliators and hearing officers and contracted personnel as required for the exclusive purpose of reducing the backlog of cases pending before said commission; provided further, that said commission shall comply with the requirements of section 446 of this act; provided further, that on or before October 1, 2000 said commission shall submit to the senate and house committees on ways and means a report on the total number of all currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of such report



with said committees on or before March 1, 2001; provided further, that said commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of the provisions of chapter 151B of the General Laws has been committed in a case in which said authority is named as a respondent; provided further, that said commission shall report to the house and senate committees on ways and means on or before January 4, 2001 the number of cases pending before the commission in which a state agency or state authority is named as a respondent and the number of such cases in which probable cause to believe that a violation of the provisions of said chapter 151B has been committed; provided further, that an amount not to exceed \$15,000 may be expended to fund Edward Brooke scholarships, whereby the recipients of said scholarships assist said commission in resolving cases filed on or before July 1, 1993; provided further, that the commission may expend \$100,000 for the sole purpose of supporting the civil rights enforcement efforts of cities and towns through their local human rights commissions; provided further, that such efforts shall include, but not be limited to, the following cities and towns: Amherst, Barnstable, Boston, Cambridge, Chelsea, Lawrence, Malden, Melrose, New Bedford, Northampton, Pittsfield, Somerville, Springfield and Worcester; provided further, that funds made available herein shall be in addition to funds available in item 1150-5104; provided further, that all positions, except clerical, shall be exempt from the provisions of chapter 31 of the General Laws; and provided further, that said commission shall pursue the highest allowable rate of federal reimbursement . . . . . \$2,524,960

1150-5104The Massachusetts commission against discrimination is hereby authorized to expend revenues from federal reimbursements received for the purposes of the United States department of housing and urban development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2001 and federal reimbursements received for these and other programs in prior years; provided, that for the purposes of accommodating discrepancies between

the receipt of retained revenues and related expenditures, said commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding the provisions of section 1 or any other general or special law to the contrary, federal reimbursements received in excess of \$1,813,344 shall be credited to the general fund; provided further, that notwithstanding the provisions of any general or special law to the contrary, funds may be expended from this item for the purposes of case investigations, conciliation and resolution efforts of local agencies as provided by contract through the commission; provided further, that such efforts shall include, but not be limited to, the following cities and towns: Worcester, New Bedford, Somerville, Chelsea, Cambridge and Barnstable; provided further, that notwithstanding the provisions of any general or special law to the contrary, the commission shall deposit into the General Fund any federal reimbursements received for these purposes in fiscal year 2001; provided further, that the commission shall report to the house and senate committees on ways and means, not later than the last day of each quarter, the following: federal reimbursements received in each such quarter, anticipated reimbursements to be received in the remaining quarters of the fiscal year and reimbursements projected to be collected in the subsequent fiscal year for such purposes; provided further, that such report shall detail actual and anticipated reimbursements by date of receipt, case type, reimbursement per case and cases resolved; and provided further, that the costs of personnel may be charged to this item .....\$1,813,344

1150-5116 The Massachusetts commission against discrimination is hereby authorized to expend an amount not to exceed \$27,500 from revenues collected from fees charged for the training and certification of diversity trainers for the operation of the discrimination prevention certification program ..... \$27,500

*Department of Revenue.*

1201-0100 For the operation of the department of revenue, including tax collection administration, audits of certain foreign corpora-

tions, and the division of local services; provided, that the department may allocate an amount not to exceed \$250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Springfield, Pittsfield, and Worcester; and provided further, that the department shall provide to the general court access to the municipal data bank . . . . . \$124,973,168

General Fund . . . . .	60.0%
Local Aid Fund . . . . .	35.0%
Highway Fund . . . . .	5.0%

1201-0160 For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and that such agencies are hereby authorized to expend said funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for said network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that the department

	shall file a performance report with the house and senate committees on ways and means on or before January 15, 2001 detailing current staffing levels by function and performance indicators, including, but not limited to, TAFDC and non-TAFDC caseloads, collection levels, court cases, paternities established, court orders established, average employee workload, federal reimbursements, projections of said indicators for the remainder of the fiscal year and any deviations of current performance from previous projections	\$46,418,716
	General Fund	96.80%
	Child Support Fines and Penalties Fund	3.20%
1201-0300	For the operation of the bureau of special investigations; provided, that the director of said bureau shall report to the house and senate committees on ways and means no later than December 15, 2000 on the monthly investigator caseload, without disclosing names or other personal identifiers, for fiscal years 1994 through 2000; provided further, that said report shall include the monthly average of the amounts recovered by the commonwealth through successful prosecution, settlement or other disposition of such cases investigated for fiscal years 1994 through 2000; provided further, that said report shall separately delineate said caseload data for the front-end detection program so-called; and provided further, that said report shall state the most recent activity date for each open case assigned to each investigator as of the first business day of each fiscal quarter of fiscal years 2000 and 2001 for which such information is available	\$5,110,282
1231-1000	For the Commonwealth Sewer Rate Relief Fund established by section 2Z of chapter 29 of the General Laws	\$53,914,000
	Local Aid Fund	100.0%
1231-1020	For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may con-	



tract with third parties including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all steps necessary to minimize said program's administrative costs; provided further, that said loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance; provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1232-0100	For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws	\$19,200,000
	Underground Storage Tank	
	Petroleum Product Cleanup Fund	100.0%

1232-0200	For the underground storage tank petroleum cleanup fund administrative review board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding the provisions of section 4 of said chapter 21J or any other general or special law to the contrary, appropriations made herein shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that said board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that said report shall detail how many tanks are out of compliance with the provisions of said chapter 21J; and provided further, that said report shall be submitted not later than February 16, 2001	\$1,612,846
	Underground Storage Tank	
	Petroleum Product Cleanup Fund	100.0%

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1232-0300	For underground storage tank municipal grants to remove and replace said tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws .....	\$2,000,000
	Underground Storage Tank	
	Petroleum Product Cleanup Fund .....	100.0%
1233-2000	For reimbursing cities and towns for taxes abated pursuant to the seventeenth, twenty-second, twenty-second A, twenty-second B, twenty-second C, twenty-second E and thirty-seventh clauses of section 5 of chapter 59 of the General Laws ..	\$8,250,000
	Local Aid Fund .....	100.0%
1233-2010	For reimbursing cities and towns for tax abatements granted to certain homeowners over the age of 65 pursuant to clause fifty second of section 5 of chapter 59 of the General Laws .....	\$9,655
1233-2310	For reimbursing cities and towns for taxes abated pursuant to the forty-first, forty-first B and forty-first C clauses of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of said clause forty-first B or clause forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed \$2 per exemption granted .....	\$12,400,000
	Local Aid Fund .....	100.0%

*Appellate Tax Board.*

1310-1000	For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and Southeastern Massachusetts; provided further, that said board shall report to the house and senate committees on ways and means on the number of hearings held at said locations .....	\$1,890,707
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*Department of Veterans' Services.*

0610-0093	For the purposes of allowing the department of veterans' services to make bonus payments to Persian Gulf war veterans; provided, that all such payments shall be consistent with the purposes of the trust instrument for "A Hero's Welcome Trust Fund" .....	\$18,000
	A Hero's Welcome Trust Fund .....	100.0%

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- 1410-0010 For the operation of the office of veterans' services provided, that not less than \$10,000 shall be obligated for a contract with the Korean war veterans committee of Massachusetts for the purpose of maintaining the Massachusetts Korean war memorial located in the shipyard park of the Charlestown navy yard; provided further, that \$40,000 shall be obligated for the Glory 54th Brigade; and provided further, that said office shall fund a housing specialist from this item ..... \$2,248,722
- 1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that said centers shall provide counseling to incarcerated veterans and to Vietnam era veterans and their families who may have been exposed to agent orange; provided further, that \$269,500 shall be obligated for a contract with the Veterans Benefits Clearinghouse in the Roxbury section of the city of Boston; provided further, that \$82,500 shall be obligated for a contract with the Veterans Northeast Outreach Center in the city of Haverhill; provided further, that \$125,000 shall be obligated for a contract with the North Shore Veterans Counseling Center in the city of Beverly; provided further, that \$100,000 shall be obligated for a contract with the Veterans Association of Bristol county in the city of Fall River; provided further, that \$110,000 shall be obligated for a contract with NamVets of the Cape and Islands in the town of Hyannis; provided further, that \$100,000 shall be obligated for a contract with the Outreach Center, Inc., in the city of Pittsfield; provided further, that \$197,200 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner; provided further, that \$95,000 shall be obligated for a contract with the Metrowest/Metrosouth Outreach Center in the town of Framingham; and provided further, that \$66,000 shall be obligated for a contract with the Puerto Rican Veterans Association of Massachusetts, Inc., in the city of Springfield ..... \$1,178,842
- Local Aid Fund ..... 100.0%
- 1410-0015 For the women veterans' outreach program ..... \$40,000
- 1410-0018 The department is hereby authorized to expend for the maintenance and operation of Agawam veterans' cemetery

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	an amount not to exceed \$150,000 from revenue collected from fees, grants, gifts, or other contributions to said cemetery .....	\$150,000
1410-0100 For	the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home care and home health services .....	\$126,183
1410-0250 For	homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that not less than \$337,740 shall be obligated for a contract with the central Massachusetts shelter for homeless veterans located in the city of Worcester; provided further, that not less than \$391,550 shall be obligated for a contract with the southeastern Massachusetts veterans housing program, Inc. located in the city of New Bedford; provided further, that \$111,500 shall be obligated for a contract with the veterans benefit clearinghouse located in Dorchester; provided further, that not less than \$100,000 shall be obligated for a contract with unity house located in the city of Gardner; provided further, that not less than \$31,500 shall be obligated for a contract with the transition house located in the city of Springfield; provided further, that no less than \$57,750 shall be expended for a contract with the Springfield bilingual veterans outreach center for the operation and maintenance of a transitional housing Unit at the YMCA of Springfield; provided further, that not less than \$49,875 shall be obligated for a contract with the mansion located in the city of Haverhill; provided further, that not less than \$31,500 shall be obligated for a contract with the homestead located in the town of Hyannis; provided further, that not less than \$120,000 shall be obligated for a contract with the veterans hospice homestead in the city of Leominster; provided further that no less than \$25,000 shall be obligated for a contract with the turner house located in the town of Williamstown; provided further, that \$81,500 shall be obligated for a contract with the veterans benefit clearinghouse located in Roxbury; and provided further, that not less than \$100,000 shall be obligated for a contract with habitat P. L. U. S. in the city of Lynn and provided further,	



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	that no less than \$48,000 shall be obligated for a contract with the Chapin Mansion/Soldiers' Home in the city of Holyoke for homeless veterans care .....	\$1,485,915
1410-0251 For	homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans at the New England shelter for homeless veterans located in the city of Boston .....	\$2,550,000
1410-0300 For	the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that such payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; and provided further, that the commissioner of veteran's services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter .....	\$8,576,000
1410-0400 For	reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements shall be made pursuant to section 6 of chapter 115 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on memorial day; and provided further, that the commissioner shall establish a training program for veterans' agents pursuant to section 407 of this act .....	\$9,138,590
	Local Aid Fund .....	100.0%
1410-0623 For	a payment to the POW/MIA Eternal Flame Foundation, Inc. for the POW/MIA Eternal Flame to be erected on the Congress street side of Boston City Hall, facing the Freedom Trail, so-called; provided, that the funds appropriated herein shall be used to match a \$50,000 contribution made by the Ingersoll Browne Fund, so-called, to the POW/MIA Eternal Flame Foundation, Inc. ....	\$100,000

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1410-0630 For the administration of the veterans' cemeteries in the towns  
of Agawam and Winchendon ..... \$514,597

Reserves.

1599-0002 For contributions toward the maintenance of the old provincial  
state house ..... \$75,000

1599-0006 For reimbursement of the city of Boston for interest on bonds or  
notes in anticipation thereof issued under the authority of  
section 7 of chapter 152 of the acts of 1997 ..... \$2,721,106  
Boston Convention  
and Exhibition Center Fund ..... 100.0%

1599-0007 For the payment of interest and principal on bonds of the com-  
monwealth or notes in anticipation thereof issued under the  
authority of section 11 of chapter 152 of the acts of 1997 ... \$13,000,000  
Boston Convention  
and Exhibition Center Fund ..... 100.0%

1599-0013 For a reserve for the cities' and towns' unemployment health  
insurance contributions due under section 14G of chap-  
ter 151A of the General Laws; provided, that the deputy  
director of the division of employment and training shall  
provide to the secretary of administration and finance and  
the house and senate committees on ways and means quart-  
erly estimates of the contributions due; and provided  
further, that upon approval of the secretary of administra-  
tion and finance, the treasurer shall transfer funds from this  
account to the Medical Security Trust Fund established by  
subsection (k) of said section 14G of said chapter 151A ..... \$3,000,000  
Local Aid Fund ..... 100.0%

1599-0019 For a reserve for costs related to education reform audits;  
provided, that the comptroller shall transfer not more than  
\$1,000,000 to item 7061-0019 to fund full time equivalent  
personnel not currently funded in said items; and provided  
further, that not less than 20 days prior to the transfer of  
funds from this item to item 7061-0019, the department of  
education shall submit to the house and senate committees  
on ways and means a report which delineates for each  
position to be funded through such transfer the following  
information: a detailed job description; the associated job  
posting, so-called; the anticipated start date and position  
number, so-called; the anticipated number of weeks during  
fiscal year 2001 during which such position will be filled;  
and the annualized salary ..... \$1,000,000

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1599-0033	For a reserve to promote departmental revenue optimization projects authorized by and subject to the provisions of section 455 of this act . . . . .	\$2,000,000
	Revenue Maximization Fund . . . . .	100.0%
1599-0035	For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with section 39I of chapter 190 of the acts of 1982; provided, that said assistance shall be expended notwithstanding section 35J of chapter 10 of the General Laws . . . . .	\$24,645,279
1599-0036	For the expenses of the Massachusetts Convention Center Authority . . . . .	\$15,799,501
	Tourism Fund . . . . .	100.0%
1599-0039	For a reserve for the purpose of the Upper Cape Water Supply commission so-called; provided that the secretary of administration and finance shall condition the release of funds appropriated herein upon passage of legislation creating said commission; provided further, that said commission shall develop a long term management plan for the protections of the water supply and wildlife habitat in the area formerly known as the Massachusetts Military Reservation, which allows for military training in said area . . . . .	\$250,000
1599-0041	For the expenses of the commission on end of life care as established by section 480 of this act . . . . .	\$100,000
1599-0042	For a reserve to improve the educational quality of the commonwealth's child care system by supporting child care programs that emphasize high quality early language and literacy development for children and their families; provided, that the office of child care services in coordination with the department of education, shall develop standards and curricula for early language and literacy development programs; provided further, that payments from said reserve shall be limited to providers that have established or commit to establishing said early learning and literacy programs; and provided further, that said office shall use said reserve to increase child care rates of reimbursement or to provide stipends for the professional development of child care staff . . . . .	\$12,500,000
	Child Care Fund . . . . .	100.0%
1599-0043	For a reserve to adjust early child care and education rates of reimbursement paid by the office of child care services; provided, that said adjustment shall be targeted at increasing	

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	salaries and compensation and providing stipends for professional development to help recruit and retain qualified staff; provided further, that the rates of reimbursement paid to each provider be adjusted by the same percentage across the commonwealth .....	\$12,500,000
	Child Care Fund .....	100.0%
1599-0049 For	contract assistance payments to the Foxborough Industrial Development Finance Authority, in accordance with section 8 of chapter 16 of the acts of 1999 .....	\$5,500,000
1599-0093 For	contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of sections 6 and 6A of chapter 29C of the General Laws .....	\$38,236,449
	Local Aid Fund .....	100.0%
1599-0100 For	a reserve for the operation of the division of medical assistance; provided, that no funds appropriated herein shall be expended until the secretary of administration and finance has certified to the senate and house committees on ways and means that the division has submitted a report to said committees detailing: projected final expenditures for fiscal year 2001 and 2002 for items 1599-0100, 1599-0111, 4000-0300, 4000-0310, 4000-0325, 4000-0430, 4000-0450, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0880, 4000-0866, 4000-0890, 4000-0891, 4000-0892, 4000-1400, 4000-1450, 4000-1451, 4000-1500, and 4000-1504; provided further, that in identifying said final expenditures, said report shall account for any and all assumptions used to project promulgated or projected changes in provider payment rates, average per-member-per-month expenditure amounts, and the methods utilized to estimate current and prospective beneficiary enrollment and benefit utilization trend; provided further, that said report shall detail by item of appropriation any updates or budgetary revisions made subsequent to the Governor's budget submission for fiscal year 2002 recommendations, including, but not limited to, any assumptions used to develop said recommendations; provided further, that said report shall be submitted not later than February 15, 2001; provided further, that any and all funds appropriated herein shall be expressly scheduled and expended in and from the	



AA subsidiary; and provided further, that all expenditures from this item shall be made for the purposes of item 4000-0300 .....

General Fund .....	85.84%
Children's and Seniors' Health Care Assistance Fund .....	14.16%

1599-0111 For the purposes of conducting an extensive study of the costs associated with upgrading, adjusting, or replacing the non-personnel information technology systems of the division of medical assistance; provided, that said division shall contract with an independent, non-public consultant or entity to conduct said study; provided further, that notwithstanding the provisions of any general or special law to the contrary, said division shall not contract with any consultant or entity previously procured to perform any function related to the division's information technology systems, but that said consultant or entity shall be significantly experienced with such information technology systems; provided further, that said study shall include, but not be limited to, the following: (1) a detailed account of the costs associated with a complete upgrade and replacement of the division's information technology systems, including, but not limited to, the central automated vendor payment system, the medicaid management information system, so-called, and the recipient eligibility verification system, MA21, so-called; (2) an itemized account of the staffing and any other resources required to operate the aforementioned systems in-house, so-called; (3) an itemized account of the staffing required to perform expedited eligibility determinations and redeterminations and the upgrades needed to improve such process; (4) a detailed account of the hardware and software needed to automate the budget development, tracking, and processes for the purpose of making timely projections and accurate forecasts of medicaid expenditures and beneficiary enrollment; (5) the costs and technical requirements of complying with the billing and payment mandates of the Health Insurance Portability and Accountability Act of 1996. 42 USC 201; and (6) any actions taken by the division to improve the efficiency of using information technology division services; and provided further, that said study shall be

submitted to the house and senate committees on ways and means not later than May 31, 2001 .....	\$1,000,000
General Fund .....	85.84%
Children's and Seniors' Health Care Assistance Fund .....	14.16%

1599-0540 For the costs of purchasing and installing information technology hardware and software for the registries of deeds; provided, that funds appropriated herein may be transferred to item 0540-0000 for said purchase and installation; provided further, that \$164,550 shall be expended for the Salem registry; provided further, that \$5,000 shall be expended for the Franklin registry; provided further, that \$117,904 shall be expended for the Hampden registry; provided further, that \$32,546 shall be expended for the Hampshire registry; provided further, that not less than 30 days prior to any such projected transfer of funds, the secretary of the commonwealth shall submit a spending plan to the secretary of administration and finance and the house and senate committees on ways and means detailing all projected expenditures from the amounts to be so transferred including, but not limited to, the specifications and costs of the information technology hardware and software projected to be purchased, the plan for allocating such hardware and software to the various registries of deeds, the costs and nature of cabling and installing local and wide area networks at each such registry, and a description of the systems architecture for such equipment that maximizes inter-registry communication and data transmission capabilities; provided further, that said secretary shall include in said spending plan a report projecting the costs and design of a fully automated system for managing the functions of the registries of deeds statewide, including both registries under the ownership of the commonwealth and under the ownership of the remaining counties; provided further, that said report shall fully detail the installation timetable of said fully automated system with specific completion milestones, projected capital, personnel and other operating costs at each registry and a technical description of the technology necessary to implement such a fully automated system; provided further, that the infor-

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	mation technology division shall be consulted in the preparation of said report and shall certify to the feasibility and projected costs of said fully automated system; provided further, that no funds shall be expended or transferred from this item until said spending plan and report are filed with the secretary of administration and finance and the house and senate committees on ways and means. . . . .	\$320,000
1599-0615 For	a one-time reserve for the state racing commission for personnel related costs associated with the oversight and monitoring of the transition and continuing development of the racing industry in the commonwealth . . . . .	\$116,350
1599-1970 For	a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2000 for the operation and maintenance of the central artery/tunnel project pursuant to the provisions of chapter 235 of the acts of 1998 . . . . .	\$2,500,000
1599-3234 For	the commonwealth's south Essex sewerage district debt service assessment . . . . .	\$108,492
1599-3384 For	a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in fiscal year 2001 or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item; and provided further, that the comptroller may transfer up to \$2,000,000 from this item to the Liability Management and Reduction Fund established by section 2TT of chapter 29 of the General Laws . . . . .	\$6,500,000
1599-3837 For	the payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by said municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by said department, on or prior to the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called . . . . .	\$8,000,000
	Local Aid Fund . . . . .	100.0%

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1599-3838	For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called .....	\$1,689,865
	Local Aid Fund .....	100.0%
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea .....	\$7,115,000
	State Building Management Fund .....	100.0%
1599-4050	For a reserve for the special commission established pursuant to section 481 for the evaluation of regulatory and licensure requirements in the contracting of state-funded human and social services programs; provided, that said funding shall be made available for the contracting of an independent auditor who shall assist said commission in quantifying the fiscal impact of the current regulatory and licensure system .....	\$100,000
1599-6899	For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$39,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that the secretary of administration and finance is hereby authorized to allocate the funds appropriated herein to said departments in order to implement said initiative; provided further, that the operational services division shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of such adjustments to wages, compensation or salary; provided further, that said division shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving such adjustment in fiscal year 2001 and the average percentage adjustment funded by this reserve; provided further, that said report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract	



for the categories of personnel scheduled to receive such adjustments; provided further, that said adjustment shall be calculated based on the first \$30,000 of annual compensation; provided further, that such adjustments shall be not less than a full 3 per cent for workers earning less than \$20,000 in annual compensation and shall not be reduced by the expenses of such associated employee-related costs and withholding; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, so-called, as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2001 cost of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$25,000,000; and provided further, that the annualized cost of said adjustments in fiscal year 2002 shall not exceed the amount appropriated herein . . . . . \$25,000,000

1599-7014 For a reserve for the costs of the Star Store, so-called, at the University of Massachusetts and Bristol Community College; provided, that \$300,000 shall be expended for one-time costs associated with the facility . . . . . \$1,700,000

1599-7016 For a reserve to meet the costs in fiscal year 2001 of salary increases, benefit adjustments and other employee economic benefits authorized for those employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), professional and clerical units; provided, that the secretary may make allocations from this item to meet the costs of salary adjustments and other economic benefits to personnel of the trial court employed in confidential, positions so-called, who would otherwise be covered by collective bargaining agreements in effect for fiscal year 2001 and to meet the costs of providing equal salary adjustments and economic benefits to employees who are not otherwise classified in any such collective bargaining

	unit of the trial court, the mental health legal advisors committee, the board of bar examiners, and the commission on judicial conduct; provided further, that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as may be necessary to meet the costs of such adjustments and benefits where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means . . . . .	\$12,435,019
1599-9150 For	a reserve to implement the Massachusetts Bay Transportation Authority forward funding initiative, so-called; provided, that funds appropriated herein shall be expended for the amortization of debt or deficiencies incurred by or on behalf of said authority prior to July 1, 2000 pursuant to a schedule to be determined by the comptroller . . . . .	\$27,500,000
	Highway Fund . . . . .	100.0%
1599-9952 For	the purpose of contracting independent technical advisors to assist communities in evaluating and contributing to the Central Artery/Ted Williams Tunnel Project, including the Charles river crossing; provided, that the executive office for administration and finance may issue a request for proposals for such technical advisor, said contract to be drafted in conjunction with designated representatives from the impacted neighborhoods; provided, that \$100,000 shall be expended from this item for a technical advisor to the North End/Waterfront area of the city of Boston and \$40,000 shall be expended for a technical advisor for the East Boston section of the city of Boston; provided further, that said technical advisors shall have access to data relative to design and mitigation; and provided further, that said advisors shall be accountable to and work directly with residents, designated community representatives and organizations of the aforementioned communities in assessing impacts and recommending alternative design modifications to the Central Artery/Ted Williams Tunnel, prior appropriation continued . . . . .	\$140,000
	Highway Fund . . . . .	100.0%

*Division of Human Resources.*

1750-0100 For the operation of the human resources division; provided, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding the provisions of paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the commissioner of administration shall charge a fee of \$35 to be collected from each applicant for a civil service examination; provided further, that no funds shall be obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February 25, 1983; provided further, that the division shall administer a program of state employee unemployment management including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that upon certification of any open competitive list for a public safety position in a city or town, the personnel administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice that such eligible list has been certified along with the notice of the last date to respond to the notice of circulation; provided further, that the secretary of administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; and provided further, that the nature and scope of economic proposals contained in said agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other

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	forms of compensation and all supplemental fringe benefits resulting in any incremental costs . . . . .	\$5,129,039
1750-0102	The human resources division may expend revenues up to a maximum of \$1,883,857 from fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs; provided, that said division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of said programs, including, but not limited, a fee of \$35 to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system . . . . .	\$1,883,857
1750-0111	For the planning and implementation of a civil service continuous testing program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through said program . . . . .	\$339,346
	Local Aid Fund . . . . .	65.0%
	General Fund . . . . .	35.0%
1750-0115	For the operation of the bypass appeals process program; provided, that the division shall report annually to the house and senate committees on ways and means on the number of appeals requested through said program, the number of appeals granted through said program and the number of appeals resulting in the hiring of the appellant . . . . .	\$195,602
1750-0116	The division is hereby authorized to expend an amount not to exceed \$165,750 for the operation of the continuous testing program, so-called, from fees charged to participants in said program; provided, that for the purpose of accommodating	



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	discrepancies between the receipts of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$165,750
1750-0119 For	payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely re-certify said former employees pursuant to current workers' compensation procedures . . . . .	\$72,600
1750-0120 For	the costs of administration, training, and customer support related to the commonwealth's human resources and compensation management system, so-called . . . . .	\$1,512,000
1750-0200 For	implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on said program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of said program; and provided further, that said division shall report to the house and senate committees on ways and means by February 1, 2001 on the projected costs of said program for fiscal year 2001 . . . . .	\$1,189,463
1750-0300 For	the commonwealth's contributions in fiscal year 2001 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that such contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to such health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides . . . . .	\$17,936,866
1750-3873 For	the statewide training and career ladders programs for employees in positions covered by the collective bargaining	

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	agreements between the commonwealth and the National Association of Government Employees (Units 1, 3 and 6) . . . .	\$462,000
1750-3898 For	the purposes of a statewide training and career ladder program pursuant to subsection A of section 8 of article XIX of the collective bargaining agreement between the commonwealth and the Massachusetts Corrective Officers Federated Union (unit 4) . . . . .	\$151,000

*Division of Operational Services.*

1775-0100 For	the operation of the operational services division; provided, that the commissioner of administration shall ensure that adequate resources are provided from this item for the maintenance of the government center medical unit at the same level as in fiscal year 2000 . . . . .	\$3,279,006
1775-0110 The	operational services division may expend for the costs associated with the Comm-PASS computer system, so-called, an amount not to exceed \$249,999 from revenues collected from the use of Comm-PASS by government entities other than state agencies and the sale of advertising space on Comm-PASS . . . . .	\$249,999
1775-0600 The	operational services division may expend revenues collected up to a maximum of \$130,000 from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel . . . . .	\$130,000
1775-0700 The	operational services division may expend revenues collected up to a maximum of \$130,000 in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses . . . . .	\$130,000
1775-0900 The	operational services division may expend revenues in an amount not to exceed \$100,000, collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7	

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	of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$100,000
1775-1100	The operational services division may expend revenues in an amount not to exceed \$1,194,866 collected from the disposal of surplus motor vehicles including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel . . . . .	\$1,194,866

*Information Technology Division.*

1790-0100	For the operation of the information technology division; provided, that said division shall continue a chargeback system for its bureau of computer services which complies with the requirements of section 2B; provided further, that said division shall continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 15, 2001 with actual and projected savings and expenditures for said audits in the fiscal year ending June 30, 2001; and provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item . . . . .	\$9,681,317
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- 1790-0107 For the operation of the commonwealth's human resources and compensation management system, so-called ..... \$8,300,000
- 1790-0300 The information technology division may expend up to a maximum of \$587,376 in revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment ..... \$587,376
- 1790-0600 For the operation of the commonwealth's data warehouse ..... \$978,777

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.***Office of the Secretary.*

- 2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that not less than \$180,000 shall be expended for conservation districts; provided further, that not less than \$250,000 shall be expended for volunteer monitoring grants; provided further, that not less than \$200,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the commonwealth; provided further, that said program shall include technical assistance through the Massachusetts Bays Program, so-called; provided further, that \$75,000 shall be expended as a matching grant to the Mattapoissett river valley authority; provided further, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any line agency within said secretariat whereby the line agency may render data processing services to said secretary; provided further, that the comptroller is hereby authorized to allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that the department shall conduct a study to determine the costs of repairing and maintaining the seawalls of the commonwealth; provided further, that said



	study shall be submitted to the house and senate committees on ways and means not later than April 2, 2001; provided further, that not less than \$50,000 shall be expended for the formation of a technical advisory group to conduct a coastal monitoring study in Salem Sound to investigate declining fish and lobster populations in Salem Sound; provided further, that not less than \$100,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzards Bay; provided further, that \$125,000 shall be expended on the implementation of the second phase of Vision 2020; and provided further, that not less than \$1,250,000 shall be expended for the implementation of the Watershed initiative	\$4,184,002
	General Fund	60.0%
	Local Aid Fund	40.0%
2000-0106 For	space rental costs associated with the departments within the executive office, including the secretariat of environmental affairs, the department of environmental management, the department of fisheries, wildlife and environmental law enforcement and the department of food and agriculture	\$3,619,801
	General Fund	99.43%
	Inland Fisheries and Game Fund	0.57%
2000-9900 For	the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws	\$455,677
2001-1001 The	secretary of environmental affairs may expend an amount not to exceed \$93,721 accrued from fees charged to authorities and units of government within the commonwealth, other than state agencies, for the distribution of digital cartographic and other data, and the review of environmental notification forms pursuant to the Massachusetts environmental policy act, for the purposes of providing said services	\$93,721
2010-0100 For	recycling and related purposes consistent with the recycling plan of the solid waste master plan which includes municipal equipment, a municipal recycling incentive program, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program,	

the recycling loan program, research and development, recycling market development and recycling business development, and the operation of the Springfield materials recycling facility; provided, that not less than \$125,000 shall be made available to the city of Boston for the purpose of awarding grants to one or more existing innovative recycling programs to increase recycling rates by enhancing the collection and processing of plastic wastes; provided further, that the sum of \$250,000 shall be appropriated to E-Call, Inc., a non-profit organization, to assist in the implementation and improvement of recycle-related programs and to improve access to recycling programs; provided further, that not less than \$1,250,000 shall be expended on municipal equipment grants; provided further, that \$250,000 shall be allocated to WasteCap of Massachusetts, a non-profit organization, for the operation of business waste and recycling programs, including grants to public and non-public entities; provided further, that not less than \$350,000 shall be appropriated from this item to Massachusetts non-profit organizations responsible for solid waste management innovative programs that develop or enhance the infrastructure for recycling, composting, reuse or reduction of solid hazardous waste; provided further, that not less than \$2,525,000 shall be expended on municipal recycling incentives; provided further, that the department of environmental protection may expend an amount not to exceed \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the commonwealth's recycling goals consistent with the provisions of section 323 of chapter 94 of the General Laws; provided further, that for the purposes of this section and said chapter 94, a redemption center shall be any business registered with the commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that such program shall take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to said department, and the costs of transportation, packing, storage

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	and labor; provided further, that said department shall make recommendations to the general court concerning said costs by January 3, 2001; and provided further, that not less than \$500,000 of the amount appropriated herein shall be expended for a recycling industry reimbursement program pursuant to section 241A of chapter 43 of the acts of 1997 ...	\$9,020,000
	Clean Environment Fund .....	100.0%
2020-0100 For	toxics use reduction technical assistance and technology, in accordance with the provisions of chapter 21I of the General Laws .....	\$1,838,935
	Toxics Use Reduction Fund .....	100.0%
2060-0100 For	the purpose of implementing the management plan adopted pursuant to section 12 of chapter 111H of the General Laws and for carrying out the powers and duties conferred to the program by said chapter 111H; provided, that a report shall be submitted to the house and senate committees on ways and means on or before November 1, 2000 detailing expenditures from the prior year; and provided further, that no money shall be expended from this item after November 1, 2000 until such report has been filed with the house and senate committees on ways and means .....	\$224,050
	Low Level Radioactive Waste Management Fund .....	100.0%

*Department of Environmental Management.*

2100-0005 For	the department of environmental management pursuant to the purposes of section 10A1/2 of chapter 91 of the General Laws; provided, that not less then \$206,250 shall be made available for repairs to the Snow's Pond Dam in the town of Ware; provided further, that not less then \$400,000 shall be made available for a dredging project for West Island; provided further, that \$100,000 shall be made available for the dredging of the Pine Tree Brook from Blue Hills to the Neponset River; provided further, that not more than \$250,000 shall be expended for repairs to War Memorial Park Dam; provided further, that \$10,000 shall be expended for vegetation mitigation at Cobbs pond in Walpole; provided further, that \$375,000 shall be expended for the dredging of Weir River; provided further, that not less than \$50,000 shall be expended for repairs to the dam at Forge pond in the town of East Bridgewater; provided further, that	
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not less than \$76,000 shall be expended for the repairs at Blood pond dam in the town of Hopkinton; provided further, that \$330,000 shall be provided for the dredging and clean-up of Hardy pond; provided further, that not less than \$300,000 shall be expended for completing renovation to a pier in the town of Salisbury; provided further, that not less than \$25,000 shall be allocated to the town of Upton for the repair of Pratt Pond dam; provided further, that not less than \$175,000 shall be expended for an aquifer storm water discharge program in the town of Franklin; provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission; provided further, that not less than \$35,000 shall be expended for a contract with Dukes county for the management and maintenance of Joseph Sylvia state beach; provided further, that \$100,000 shall be expended to reimburse the expenses of the Middlesex canal commission; provided further, that \$5,000 shall be expended for repairs to Diamond pond dam; provided further, that \$10,000 shall be expended for sediment mitigation at Clark's pond; provided further, that \$53,373 shall be expended for dredging Hingham harbor; provided further, that \$150,000 shall be expended as a matching grant for local dam projects in Oxford; provided further, that \$230,000 shall be expended for engineering studies for the repair of the Marblehead seawall; provided further, that not more than \$250,000 shall be expended for the dredging of Little Harbor; provided further, that \$46,000 shall be expended for the control of the exotic aquatic weed Eurasian Watermilfoil in Dudley pond in the town of Wayland as it is designated a great pond; provided further, that \$50,000 shall be expended for repair and replacement of piers in Cohasset; provided further, that \$100,000 shall be expended for one aquatic plant harvester to be shared by the towns of Duxbury, Hanson, and Pembroke; provided further, that \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar pond, in the town of Milford; provided further, that \$50,000 shall be expended to reimburse the town of Saugus for aquatic nuisance control at Griswold pond; provided further, that \$100,000 shall be provided for the restoration of Whitman's pond; provided further, that \$32,500 shall be expended for the Lewis



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	Bay Waterways Revitalization project; provided further, that \$200,000 shall be expended for the restoration of Hall's pond in Brookline; and provided further, that said department may issue grants to public and non-public entities from this item .....	\$6,727,905
	Harbors and Inland Waters	
	Maintenance Fund .....	88.48%
	General Fund .....	11.52%
2100-1000	For the operation of the department of environmental management .....	\$2,437,672
	Local Aid Fund .....	100.0%
2100-2002	The department is hereby authorized to expend \$80,000 from revenues received from interstate fire-fighting services authorized under section 44 of chapter 138 of the acts of 1991; provided, that the department may expend from this item an amount equal to out of pocket expenses, so-called, and the costs of overtime and shift hours worked by employees of the department and the metropolitan district commission from reimbursements collected from the federal government for the costs of interstate fire-fighting; provided further, that the department shall allocate such amounts to the metropolitan district commission for such purposes; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, said department and commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$80,000
2100-2030	For the recreational and resource conservation operations of the department; provided, that funds appropriated herein shall be used to operate all of the department's parks, heritage state parks, reservations, campgrounds, beaches, and pools, and for the oversight of rinks; provided further, that funds appropriated herein shall be used to protect and manage the department's lands and natural resources, including the forest and parks conservation services and the bureau of forestry development; provided further, that \$600,000 shall be made available for repairs and maintenance to the Newburyport boardwalk; provided further, that not less than \$130,000 shall be expended on the Leominster state pool to	

comply with department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that not less than \$105,137 shall be expended for the restoration of Mill pond in West Newbury; provided further, that \$150,000 shall be made available for the purposes of building a boardwalk along a trail in the Chebacco woods; provided further, that \$50,000 shall be expended for the repair and upgrade of facilities at Dighton Rock state park; provided further, that \$42,000 shall be expended for one full time park ranger and one seasonal park ranger at Walden pond in Concord; provided further, that not less than \$3,340 shall be expended for the purposes of planting ten white trees in Southwell park; provided further, that \$400,000 shall be made available to address drainage and flooding and enhancing recreational opportunity at Ell pond in Melrose and its surrounding communities; provided further, that \$250,000 shall be expended for the improvement and preservation of the Craigville Pond and Centerville River System, known as the Red Lily Pond Restoration project, provided, that the department shall enter into contracts with the Red Lily Pond Project Association; provided further, that not less than \$100,000 shall be expended for design work for the Rail Trail extension in the town of Yarmouth; provided further, that \$40,000 shall be expended for a heavy equipment operator in Myles Standish State Forest; provided further, that not less than \$150,000 shall be expended for a one-time grant for the preparation of a unified heritage preservation and interpretive plan for the Quinebaug and Shetucket Rivers Valley Heritage district pursuant to the provisions of chapter 127 of the acts of 1997; provided further, that \$50,000 shall be provided for the Blackstone River Canal Commission; provided further, that not less than \$50,000 shall be provided for the promotion of tourism in the city of Fall River, including the Fall River heritage state park; provided further, that such funds shall be administered by the city of Fall River; provided further, that \$100,000 shall be made available for a Heritage Rivers pilot program, so-called, in the city of Taunton; provided further, that \$95,000 shall be expended

for the New Bedford community boating center at Fort Rodman; provided further, that not less than \$250,000 shall be obligated for the Schooner Ernestina Commission; provided further, that \$85,000 shall be expended as a matching grant for the purchase of open space on King street in the town of Hanover; provided further, that \$150,000 shall be expended by the department to work in conjunction with the town of Wilmington for clean-up, maintenance, and construction in Wilmington Town Forest; provided further, that two year-round employees shall be hired for the purposes of fire control in District 14 of Region 3 of the Bureau of Forest Fire Control; provided further, that not less than \$130,000 shall be expended on the Clinton state pool to comply with the department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that \$160,000 shall be expended for repairs and reconstruction of the Senator P. Eugene Casey pool in Milford; provided further, that a matching grant of \$150,000 shall be expended for the purchase of surplus MBTA rail-bed, one-mile long and seventy-five feet wide, totaling 5.2 acres in north Plymouth, to be used for a nature trail and bike path; provided further, that not less than \$50,000 shall be allocated to the District 10 Fire Control to replace its county patrol truck; provided further, that \$236,000 shall be made available to the town of Reading for costs incurred from purchasing the Marion Woods property along the Ipswich River; provided further, that not more than \$35,000 shall be expended to repair and upgrade facilities at Roxbury Heritage state park; provided further, that no funds from this item shall be made available for payment to true seasonal employees, so-called; and provided further, that the department may issue grants to public and non-public entities from this line item . . . . . \$25,677,383

2100-2041 The department is hereby authorized to expend revenues collected up to a maximum of \$2,500,000 from fees charged by said department credited to the Second Century Fund for additional expenses, upkeep and improvements to the parks and recreation system of the department; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further,

that not more than \$10,000 shall be provided for the purchase of cold water diving equipment to be used for water rescues at the Ashland, Hopkinton, and Cochituate state parks, with said equipment to be stored at the Natick fire department; provided further, that \$75,000 shall be expended for renovations and improvements for John J. Lane park in the town of Natick; and provided further, that the department shall enter into a memorandum of understanding with the town of Natick for access through John J. Lane park to Cochituate state park . . . . . \$2,500,000

Second Century Fund . . . . . 100.0%

2100-2050 The department of environmental management may expend revenues collected up to a maximum of \$205,872 from campsite reservation transactions from the automated campground reservation and registration program, so-called; provided, that said funds shall be expended for the operation of said program; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that the department shall seek to renegotiate all contracts for services provided herein for the purpose of reducing charges; provided further, that the department shall provide a report to the house and senate committees on ways and means detailing the outcome of said negotiations; and provided further, that said report shall be submitted no later than November 27, 2000 . . . . . \$205,872

2100-3010 For the summer and fall seasonal hires of the department, including hires for the fire control unit; provided, that at least the same number of lifeguards shall be assigned to Salisbury beach in fiscal year 2001 as were assigned to said beach in fiscal year 2000; provided further, that, no funds from this item shall be expended for year-round seasonal employees, so-called; provided further, that the department shall maintain 40 lifeguards at Horseneck beach; provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day



and who received health insurance benefits in fiscal year 2000 shall continue to receive such benefits in fiscal year 2001 during the period of their seasonal employment; and provided further, that the same number of seasonal workers hired at Walden pond in Concord in fiscal year 2000 shall be hired in fiscal year 2001 ..... \$4,153,140

Local Aid Fund .....	90.0%
Highway Fund .....	10.0%

2100-3011 For the winter and spring seasonal hires of the department, including the fire control unit; provided that no funds shall be expended from this item for year-round seasonal employees, so-called; provided further, that the department shall have 40 lifeguards at Horseneck beach by June 2001; and provided further that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2000 shall continue to receive such benefits in fiscal year 2001 during the period of their seasonal employment ..... \$2,245,506

Local Aid Fund .....	90.0%
Highway Fund .....	10.0%

*Department of Environmental Protection.*

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws; provided further, that said appropriations for ordinary maintenance of said department from state funds other than the Environmental Challenge Fund and the Environmental Permitting

and Compliance Assurance Fund are comparable to the baseline figure, as defined in said subsection (m), based on inflation, the department's demonstrated program improvements and efficiencies in areas other than those supported by fees and added or reduced programmatic responsibilities of the department; provided further, that the bureau of resource protection shall expend \$66,227 for the purposes of reimbursing the town of Walpole for grant money owed on an evaluation study on inflow and infiltration; provided further, that \$10,000 shall be expended for the Billington Sea 319 project, so-called, for sewer septic costs in the town of Plymouth; provided further, that not less than \$100,000 shall be expended for repairs and resurfacing to the interior and exterior surfaces of the Cedar street water storage standpipe in the town of Ashland; provided further, that the department shall study the costs of capping the landfill in the town of Townsend; provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2000 on the results of said study; provided further, that \$80,000 shall be expended on a study on providing sewers to the Little Neck area of Ipswich, so-called; and provided further, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2000 detailing the number of full-time equivalent position assigned to environmental permitting function and the number of full-time equivalent positions assigned to compliance inspections and environmental enforcement activities ..... \$31,820,112

General Fund .....	41.05%
Environmental Permitting and Compliance Fund .....	36.95%
Clean Environment Fund .....	22.00%

2200-0106 For the payment of charges assessed to the department of environmental protection for the payment of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001 all funds appropriated herein shall be scheduled in the DD subsidiary,

so-called; provided further, that after said date, the commissioner of environmental protection, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers' compensation, unemployment insurance, Medicare taxes, health security plan and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, Medicare taxes, health security plan and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein . . . . . \$693,812

General Fund . . . . . 90.66%

Clean Air Act Compliance Fund . . . . . 6.13%

Toxics Use Reduction Fund . . . . . 3.21%

2210-0100 For the implementation and administration of chapter 21I of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2000 detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with said chapter 21I and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 21I . . . . . \$1,010,168

Toxics Use Reduction Fund . . . . . 100.0%

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2220-2220	For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program, the non-auto related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions . . . . .	\$1,325,610
	Clean Air Act Compliance Fund . . . . .	100.0%
2220-2221	For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act . . . . .	\$2,297,063
	Clean Air Act Compliance Fund . . . . .	100.0%
2250-2000	For the purposes of state implementation of the federal Safe Drinking Water Act pursuant to section 18A of chapter 21A of the General Laws . . . . .	\$1,738,042
	Safe Drinking Water Act Fund . . . . .	100.0%
2250-2001	For the administration of the state revolving fund . . . . .	\$2,389,813
2260-8870	For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding the provisions of section 323F of chapter 94 of the General Laws and section 2K of chapter 29 of the General Laws and section 4 of chapter 21J of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2000 detailing the number of full-time equivalent positions assigned to tier IA, tier IB, tier IC and tier II projects; and provided further, that not less than \$25,000 shall be expended for the sea change project, so-called, in the evaluation and development of innovative technologies for hazardous waste remediation, brownfields development and ecosystem recovery . . . . .	\$15,849,580
	Clean Environment Fund . . . . .	50.00%
	Environmental Challenge Fund . . . . .	40.33%
	Local Aid Fund . . . . .	0.33%
	Underground Storage Tank Petroleum Product Cleanup Fund . . . . .	4.20%
	General Fund . . . . .	5.14%
2260-8881	For the operations of the board of registration of hazardous waste site cleanup professionals, notwithstanding the provisions of section 19A of chapter 21A of the General Laws . . . . .	\$300,525
	Environmental Challenge Fund . . . . .	100.0%



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*Department of Fisheries, Wildlife and Environmental Law Enforcement.*

2300-0100	For the office of the commissioner of fisheries, wildlife and environmental law enforcement .....	\$665,650
	General Fund .....	62.50%
	Environmental Law Enforcement Fund ....	12.50%
	Marine Fisheries Fund .....	12.50%
	Public Access Fund .....	12.50%
2300-0101	For a program of riverways protection, restoration, and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to chapter 31 of the General Laws .....	\$517,867
	Public Access Fund .....	47.79%
	General Fund .....	52.21%
2300-0104	For a conservation engineering program to promote alternative species fisheries through the development, testing and monitoring of new fishing gear and fishing techniques; provided, that the department shall conduct research on gear modifications that reduce the risk of entanglement of northern right whales and other protected species; and provided further, that the department shall fund emergency research and management measures in coastal waters of the commonwealth necessitated by the presence of northern right whales .....	\$85,558

Any federal funds received as reimbursements for expenditures from any of the following items shall be credited to the Inland Fisheries and Game Fund.

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research

	in an amount not to exceed the amount received in fiscal year 2000 for such research; provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems; and provided further, that expenditures for such programs shall be contingent upon prior approval of the proper federal authorities for reimbursement of at least 75 per cent of the amount so expended	\$7,080,461
	Inland Fisheries and Game Fund	100.0%
2310-0201 For	the implementation of a program to manage beaver, muskrat and coyote problems, including population control to be administered by the division	\$187,500
2310-0316 For	the purchase of land containing wildlife habitat and for the costs of the division of fisheries and wildlife directly related to the administration of the wildlands stamp program pursuant to sections 2 and 2A of chapter 131 of the General Laws	\$2,000,000
	Inland Fisheries and Game Fund	100.0%
2310-0317 For	the waterfowl management program pursuant to section 11 of chapter 131 of the General Laws	\$85,000
	Inland Fisheries and Game Fund	100.0%
2310-0500 For	the expenses of a state-funded program for natural heritage and environmental assessment	\$341,845
	Inland Fisheries and Game Fund	50.0%
	Natural Heritage and Endangered Species Fund	50.0%
2310-0600 For	the operation of a program to enhance biodiversity, wildlife protection and habitat preservation, the division of fisheries and wildlife is directed to institute a program of controlled fire burning on appropriate state lands; provided that expenditures of these funds shall be matched equally by a private non-profit organization	\$100,000
2315-0100 For	the administration of a program of non-game management and research	\$434,381
	General Fund	75.0%
	Natural Heritage and Endangered Species Fund	25.0%
2320-0100 For	the administration of the public access board; provided, that positions funded herein shall not be subject to the provisions of chapter 31 of the General Laws	\$258,739
	Public Access Fund	100.0%

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- 2320-0200 For the maintenance, operation, acquisition and improvement of public access land and water areas, as authorized by section 17A of chapter 21 of the General Laws; provided, that not more than \$62,000 shall be expended for the float landing systems, so-called, at the Barton cove and Oxbow boat launching facilities, so-called; provided further, that the amount necessary to construct a boat ramp in the town of Mattapoisett shall be expended from this item; provided further, that \$80,000 of the amount appropriated herein shall be used for the design, repair, reconstruction or relocation of boating access ramps, the design and construction of a barrier free float system, the construction of a barrier-free sport fishing pier and the installation of signage on the property of the metropolitan district commission at gates 8 and 32 of the Quabbin reservoir; provided further, that not more than \$30,000 shall be expended for a handicapped accessible public fishing pier and boarding docks associated along with access walkways and utilities on Congamond lake in Southwick; and provided further, that not less than \$50,000 shall be expended to repair the Quaboag Pond public access facility ..... \$758,273
- Public Access Fund ..... 62.37%
- General Fund ..... 37.63%
- 2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the Newburyport shellfish purification plant shall generate not less than \$115,000 from purification fees; provided further, that not less than \$50,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that \$10,000 shall be expended for a study relative to the horseshoe crab population in the commonwealth; provided

further, that not less than \$250,000 shall be expended on research on the fishing conservation and scallop efforts in Georges Bank to be administered by the University of Massachusetts at Dartmouth CMAST; and provided further, than not less than \$100,000 shall be expended for the joint operation of shellfish propagation program on Cape Cod between the division and Barnstable county . . . . . \$4,173,044

Marine Fisheries Fund . . . . . 100.0%

2330-0120 For the division of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data . . . . . \$720,457

Marine Fisheries Fund . . . . . 100.0%

2330-0121 For the division of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that not less than \$60,000 shall be expended for said research on artificial reefs; provided further, that the division of marine fisheries is hereby authorized to expend revenues up to \$380,000 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing; and provided further, that this expenditure shall generate an additional \$285,000 reimbursement from the federal sportfish restoration program to the marine fisheries fund . . . . \$380,000

Marine Fisheries Fund . . . . . 100.0%

2350-0100 For the operation of the division of environmental law enforcement; provided, that each county shall be assigned at least one full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that no funds from this item shall be expended for the purposes of item 2350-0104; provided further, that \$25,000 shall be made available for the purchase of equipment for a Cape Ann Dive Team; and provided further, that not more than \$20,000 shall be expended on the continued expansion



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of the communications network to join a statewide communications system with the executive office of public safety .....	\$9,807,031
Environmental Law Enforcement Fund ...	50.66%
General Fund .....	34.20%
Highway Fund .....	15.14%
2350-0101 For the hunter safety training program .....	\$249,160
Inland Fisheries and Game Fund .....	100.0%
2350-0104 For environmental police private details; provided, that the division is hereby authorized to expend revenues of up to \$200,000 collected from fees charged for private details .....	\$200,000
Environmental Law Enforcement Fund ....	100.0%

*Metropolitan District Commission.*

2410-1000 For the administration of the metropolitan district commission; provided, that said commission shall enter into an interagency agreement with the department of state police to provide police coverage on commission properties and parkways; provided further, that said department shall reimburse the commission for costs incurred by the commission including, but not limited to, vehicle maintenance and repairs, the operation of department buildings and other related costs; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the commission is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of the commission; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2001; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; and provided further, that no funds shall be expended from this item for personnel overtime costs .....	\$1,401,869
Local Aid Fund .....	75.0%
Highway Fund .....	25.0%

2410-1001	The commission is hereby authorized to expend \$100,000 for the operation and maintenance of the commission's telecommunications system from revenues received from the Massachusetts Water Resources Authority, the Massachusetts Convention Center Authority, the department of highways Central Artery Ted Williams Tunnel Project, the department of state police, and quasi-public and private entities through a system of user fees and other charges established by the commissioner; provided, that this item shall not impair or diminish the rights of access and utilization of all current users of the system pursuant to agreements previously entered into with the commission; and provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the commission to maintain said telecommunications system . . . . .	\$100,000
2420-1400	For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the commission; provided, that expenses incurred in other commission programs to assist the watershed management program may be charged to this item; provided further, that no water shall be diverted from the Connecticut river by the metropolitan district commission or the Massachusetts Water Resources Authority; provided further, that \$500,000 shall be paid to the town of Clinton, pursuant to section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of said payment shall be charged to the Local Aid Fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to said authority under section 113 of chapter 92 of the General Laws; provided further, that a work crew shall be made available at the Sudbury reservoir for maintenance of said reservoir; provided further, that not less than 13 rangers shall be assigned to patrol watershed areas; and provided further, that the metropolitan district commission shall provide the Massachusetts Water Resources Authority advisory board with an annual presentation of the expenses of watershed management operations funded by this item for which said authority is charged . . . . .	\$11,256,975
	Watershed Management Fund . . . . .	95.61%
	Local Aid Fund . . . . .	4.39%

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2440-0010 For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody, and control of the commission, for the flood control activities of said commission, and for the purchase of all necessary supplies and related equipment; provided, that no funding shall be made available from this item for true seasonal employees, so-called; provided further, that \$40,000 shall be expended for the maintenance of the Red Rock park on Lynn Shore drive in the city of Lynn; provided further, that \$100,000 shall be expended for improvements to the land and the facilities of the Charles River Esplanade in the city of Boston, and that the metropolitan district commission shall replace and rededicate the plaque honoring Governor Maurice Tobin; provided further, that the commission shall assign one park ranger between the hours of 8:30 a.m. and 6:00 p.m. from May 31 through October 1 at Norumbega park in the town of Weston; provided further, that the commission shall expend \$150,000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of two horticulturists and a supervisor; provided further, that \$20,000 shall be appropriated to the Harry J. McDonough sailing program; provided further, that \$1,300,000 shall be expended for repairs to Steriti rink; provided further, that the sum of \$300,000 shall be expended to reimburse the city of Malden for the commission's use of water as charged to the city by the Massachusetts Water Resource Authority; provided further, that not less than \$150,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring; provided further, that not less than \$50,000 shall be made available for repairs and maintenance to the Hull clock tower; provided further, that \$20,000 shall be appropriated for the installation and maintenance of a memorial in honor of former Senate President John E. Powers at the Pleasure Bay lagoon in South Boston; provided further, that not less than \$50,000

shall be expended from this item for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton; provided further, that not less than \$5,000 shall be made available for repairs to Ulin's rink, including but not limited to the sound system; provided further, that not less than \$140,000 shall be made available for bringing the Metropolis skating rink in Canton up to the standards set by the Americans with Disabilities Act; provided further, that not less than \$250,000 shall be expended on improvements and the general rehabilitation of Bryan rink; provided further, that \$50,000 shall be made available for a perimeter fence for the Chickatawbut Museum; provided further, that \$40,000 shall be expended to conduct a historic structures and programming report for the Brook Farm Print Shop at the Brook Farm historic site, and that said report shall be submitted not later than November 20, 2000; provided further, that \$70,600 shall be expended for two rangers for the patrolling of parks including, but not limited to the StonyBrook reservation/Bellevue Hill reservation; provided further, that \$300,000 shall be expended for the costs associated with certain sewer upgrades and improvements as it related to Constitution Beach rehabilitation project; provided further, that the commission is hereby authorized to enter into a memorandum of agreement with the Boston Water and Sewer Commission and to transfer said sum to fund this agreement; provided further, that \$60,000 shall be provided to establish a program to breed the natural predators of the insect known as the Hemlock Woolly Adelgid and for the testing of such program in the Hemlock Gorge Reservation and other appropriate sites; provided further, that \$300,000 shall be expended for repairs and improvements to the Veteran's memorial rink in Arlington; provided further, that \$150,000 shall be expended on a study and design of a retention basin at Blue Hills; provided further, that not less than \$50,000 shall be expended for improvements to Bellevue reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols of said reservation, lighting and irrigation; provided further, that \$1,500,000 shall be used toward the reconstruction and design of Peabody Circle; provided further, that \$100,000



shall be expended to conduct a feasibility and design study which provides a full cost analysis for the rehabilitation of the Vietnam Veterans Memorial swimming pool; provided further, that \$100,000 shall be expended to prevent run-off from Blue Hills Reservation at Pine Tree Brook in Milton; provided further, that \$50,000 shall be expended for improvements to the Revere Beach parkway in the city of Everett; provided further, that \$400,000 shall be expended for the study and design of the Mystic Valley parkway phase II, so-called; provided further, that residual funds shall be utilized toward rehabilitation and construction; provided further, that said commission, in coordination with the department of highways, shall commence work on a study and design of the pedestrian underpass under the Mystic Wellington bridge, so-called, on state highway route 28 in the city of Somerville not later than September 1, 2000 and shall complete said study not later than March 31, 2001; provided further, that said study shall be funded in accordance with the terms specified in item 6010-0002 of section 2; provided further, that said commission shall report to the house and senate committees on ways and means not later than April 15, 2001 on the findings of said study; provided further, that said report shall include, but not be limited to, a budget for the cost of production, a finance plan that identifies funding sources for the project, a timeline for implementation, and a plan for interagency coordination that establishes lead agencies for managing construction and a lead agency for managing the long term maintenance of said underpass; provided further, that \$75,000 shall be expended to begin a master plan for the Alewife reservation area; provided further, that \$250,000 shall be expended for a conceptual master plan with phase one implementation for the Mystic river lower basin from state highway route 16 to state highway route 99; provided further, that \$130,000 shall be expended for clean-up and restoration of Donovan's beach in the town of Winthrop; provided further, that not more than \$32,000 shall be expended to acquire a MADVAC, so-called, to maintain the commissions property along Shore drive in Quincy; provided further, that one additional Park Ranger I position and one additional laborer I position shall be assigned to the

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	Spot pond reservation in the town of Stoneham; and provided further, that \$100,000 shall be expended for renovations to the Brighton/Allston pool, including the bath house .....	\$31,851,794
	Highway Fund .....	60.0%
	Local Aid Fund .....	40.0%
2440-0031	For the enhancement of the Boston Harbor islands; provided, that the commission shall target improvements to Peddock's and Lovell's islands including the acquisition of summer cottages thereon .....	\$300,000
2440-004 5	For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center .....	\$293,116
	Local Aid Fund .....	100.0%
2440-1000	The metropolitan district commission is hereby authorized to expend an amount not to exceed \$200,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws .....	\$200,000
2440-1202	For the civilianization of crossing guards located at metropolitan district commission intersections where state police personnel previously performed such duties; provided, that not less than \$3,902 shall be expended on additional school crossing guards on the corner of Mystic avenue and Shore drive in the city of Somerville .....	\$223,902
2440-2000	For the expenses of snow and ice control on the metropolitan district commission parkways, including the costs of personnel .....	\$569,796
	Highway Fund .....	100.0%
2440-3000	For the extended rink season, including the costs of personnel; provided, that the metropolitan district commission is hereby authorized and directed to allocate skating rink rental time so as to promote the expansion of all youth hockey programs without discrimination by gender .....	\$524,652
	Local Aid Fund .....	100.0%
2440-3001	The metropolitan district commission is hereby authorized to expend an amount not to exceed \$542,225 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 2000 and April 30, 2001 for an expanded and extended rink season .....	\$542,225
2440-4420	For the operation and maintenance of the Ponkapoag golf course, so-called; provided, that the commission is hereby	

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	authorized to expend revenues up to \$900,000 collected from fees generated by said golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, said commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$900,000
	Ponkapoag Recreational Fund . . . . .	100.0%
2440-4421 For	the operation and maintenance of the Leo J. Martin golf course, so-called; provided, that the commission is hereby authorized to expend revenues up to \$700,000 collected from fees generated by said golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, said commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$700,000
	Leo J. Martin Recreational Fund . . . . .	100.0%
2440-5000 For	the summer and fall seasonal hires of the commission; provided, that no funds appropriated herein shall be used for year-round seasonals, so-called . . . . .	\$2,780,224
	Highway Fund . . . . .	60.0%
	Local Aid Fund . . . . .	40.0%
2440-6000 For	the winter and spring seasonal hires of the commission; provided, that no funds appropriated herein shall be used for year-round seasonals, so-called . . . . .	\$562,436
	Highway Fund . . . . .	60.0%
	Local Aid Fund . . . . .	40.0%
2443-2000 For	the operation of the Commonwealth Zoological Corporation, pursuant to chapter 92B of the General Laws; provided, that \$3,000,000 of the amount appropriated herein shall be used toward the improvement of the Franklin Park and Stone zoos and for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that said corporation shall take all steps necessary to increase the amount of private funding available for the operation of said zoos; provided further, that said corporation shall report to	

	the house and senate committees on ways and means no later than March 1, 2001 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; and provided further, that said corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton . . . . .	\$6,000,000
	Local Aid Fund . . . . .	100.0%
2443-2002 For	improvements to municipal zoos; provided, that \$300,000 shall be provided to the Forest Park Children's Zoo in the city of Springfield; provided further, that \$300,000 shall be provided to the Buttonwood Park Zoological Society, Inc. to establish educational programs, exhibits, and other enhancements; provided, that not less than \$50,000 shall be expended for programming, transportation and other costs associated with enhanced educational programs for economically disadvantaged youths; provided further, that said society shall develop a free admission program in consultation with the United Front Day Care, Pace Head Start and the Boys and Girls Club; and provided further, that 30 days prior to any said expenditure, the Buttonwood Park Zoological Society, Inc. shall submit to the secretary of the executive office of environmental affairs a detailed plan of all such expenditures . . . . .	\$600,000
	Local Aid Fund . . . . .	100.0%
2444-9001 For	the construction, reconstruction, and improvement of boulevards, parkways, bridges, and related appurtenances under the care, custody, and control of the commission . . . . .	\$877,432
	Highway Fund . . . . .	100.0%
2444-9004 For	certain payments for the maintenance and use of the trail-side museum and the Chickatawbut Hill center . . . . .	\$462,500
	Local Aid Fund . . . . .	100.0%
2444-9005For	street lighting on metropolitan district commission parkways . . . . .	\$2,400,000
	Highway Fund . . . . .	100.0%



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2460-0110 For	local recreational assistance matching grants; provided, that not more than \$350,000 shall be expended for a grant to the city of Melrose which shall be used to address drainage and flooding problems and to expand local recreational opportunities .....	\$350,000
2460-1000 For	the construction division; provided, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws .....	\$2,961,609
	Highway Fund .....	80.0%
	Local Aid Fund .....	20.0%

*Department of Food and Agriculture.*

2511-0100 For the operation of the department of food and agriculture, including the office of the commissioner, the expenses of the board of agriculture, the division of dairy services, the division of regulatory services and animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, the division of agricultural development and fairs, including the expenses of the agricultural lands board; provided, that \$21,000 shall be expended for the food distribution efforts of the Amherst survival center; provided further, that not less than \$159,910 shall be expended for the agricultural business management training program; provided further, that allotment funds for 4-H activities may be expended from this item; provided further, that not less than \$287,245 shall be expended for the farmer's market coupon program; provided further, that not less than \$200,000 shall be expended for agricultural fair prizes; provided further, that funds shall be made available from this item for the cranberry trade initiative, so-called; provided further, that not less than \$49,976 be expended on the rabies control program; provided further, that \$250,000 shall be expended as a one-time grant for research and development of the Massachusetts cranberry industry to be administered by the University of Massachusetts at Amherst cranberry experiment station located in Wareham; provided further, that \$300,000 shall be expended for implementation of the agricultural marketing strategic plan, including, but

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	not limited to, a "Buy Local" campaign, so-called, and funding for agricultural business training and technical assistance; and provided further, that not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport . . . . .	\$5,364,307
2511-0105For	the purchase of supplemental foods for the emergency food assistance program within the second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall be expended for food to be distributed by the greater Boston food bank as follows: 73.5 per cent to the greater Boston food bank, including a portion to be distributed to the Merrimack valley food bank pursuant to a contractual agreement between said food bank and the greater Boston food bank, 15.2 per cent to the food bank of western Massachusetts, and 11.3 per cent to the Worcester county food bank; and provided further, that not more than \$150,000 shall be made available for a statewide nutrition education program . . . . .	\$6,430,000
2511-3002 For	the integrated pest management program; provided, that not less than \$250,000 shall be expended for the purpose of a research grant at the University of Massachusetts; and provided further, that said university shall not assess any overhead costs or charges to funds allocated to said university from this line item . . . . .	\$399,500
2511-4010 For	the development of the aquaculture program, including promotion, marketing, industry unification, and a grant program that is responsive to the needs of the Massachusetts aquaculture industry; provided that not less than \$20,000 be provided as an aquaculture program grant to the New Bedford Regional Vocational Technical High School . . . . .	\$142,472
2520-0100 For	the operation of the state reclamation board . . . . .	\$64,551
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-0300 For	the Cape Cod mosquito control program, prior appropriation continued . . . . .	\$1,213,020
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-0900 For	the Suffolk county mosquito control program . . . . .	\$179,497
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-1000 For	the Central Massachusetts mosquito control program . . . . .	\$886,933
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-1100 For	the Berkshire county mosquito control program . . . . .	\$113,675
	Mosquito and Greenhead Fly Control Fund . 100.0%	

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2520-1200	For the Norfolk county mosquito control program, prior appropriation continued .....	\$829,806
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-1300	For the Bristol county mosquito control program .....	\$659,248
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-1400	For the Plymouth county mosquito control program .....	\$892,446
	Mosquito and Greenhead Fly Control Fund . 100.0%	
2520-1500	For the Essex county mosquito control program, provided, that not less than \$75,000 shall be expended for an aerial spray mosquito control program .....	\$611,012
	Mosquito and Greenhead Fly Control Fund . 100.0%	

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

*Office of the Secretary.*

4000-0100 For the operation of the executive office; provided, that said office shall establish the office of substance abuse services pursuant to the provisions of section 401 not later than September 1, 2000; provided further, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that said executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance, and the department of transitional assistance, and shall ensure that all measures are taken to make said systems compatible with one another for enhanced interagency interaction; provided further, that said office shall report to the house and senate committees on ways and means and the secretary of administration and finance on the progress of such projects and enhancements and the measures taken to ensure interagency cooperation not later than January 15, 2001; provided further, that said executive office shall continue to develop and implement the common client identifier, so-called; provided further, that said executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$55,000 shall be expended for the annualized cost of a do-

	mestic violence coordinator; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office; and provided further, that the executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provisions of goods, services, and housing on said islands . . . . .	\$2,205,976
4000-0110 For	matching grants to municipalities, boys and girls' clubs, girls' inc., YMCA and YWCA organizations and nonprofit community centers, in neighborhoods identified by the secretary of health and human services as benefiting from intensive proactive intervention, for a program to prevent high rates of juvenile delinquency, teen pregnancy, and high school drop-out rates for youths-at-risk, so-called; provided, that said program shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the department of human services, education, the county sheriff's office, public safety departments, boys and girls' clubs, YMCA and YWCA organizations and nonprofit community centers of each participating municipality; provided further, that youths-at-risk shall include, but need not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their household, truancy, homelessness, children-in-need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after-school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that any funds distributed pursuant to this item shall be subject to the following provisions: (a) no funds appropriated herein shall be allocated or	



disbursed prior to the commitment of new, equal matching funds from such municipalities or organizations the amount of which shall exceed amounts committed by such municipalities or organizations for the same or similar purposes in fiscal year 2000; (b) any contract awarded to any such municipality or organization shall be awarded on a one-year basis and shall not annualize in any future fiscal year (c) any contract shall be performance-based, and (d) any contract shall be subject to reporting requirements which shall provide for a study of the longitudinal effects of said program; provided further, that said secretary shall report at the end of the first quarter of the fiscal year to the house and senate committees on ways and means on the types of services provided in each targeted municipality, the names of vendors contracted by each such program, the cost of each such service, the exact amounts matched by each program, the amount of the match from the previous fiscal year, the number of children to be served by each such program, the goals of each such program, and the administrative costs, if any, assessed by each vendor; and provided further that said secretary shall report at the end of the third quarter to the house and senate committees on ways and means on actual outcomes for fiscal year 2000, expected outcomes for fiscal year 2001, and actual outcomes for the first three quarters of fiscal year 2001 . . . . . \$3,000,000

4000-0111 For Transitional Aid to Needy Families . . . . . 100.0%  
For one-time, competitive, two-year, youth development matching grants to boys and girls' clubs, girls' inc., YMCA and YWCA organizations and non-profit community centers for delinquency prevention, leadership and character development, technology training, job training, drug, alcohol and teenage pregnancy prevention, and educational enhancement for youths-at-risk, so-called; provided, that youths-at-risk shall include, but need not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their household, truancy, homelessness, children in need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item

may be expended to provide recreational programs; provided further, that grants shall not exceed \$75,000 per year; provided further, that no more than 10 per cent of each grant award may be made available for capital expenditures essential to grant program operations; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from said organization; and provided further, that the secretary of health and human services shall report to the house and senate committees on ways and means by no later than November 15, 2000 on the types of services provided by each non-profit organization, the cost of each such service, the number of children to be served by each such program, the goals of each such program, and expected outcomes for fiscal year 2001 . . . . . \$1,000,000

4000-0112 For matching grants to municipalities, boys and girls' clubs, YMCA and YWCA organizations, girls' inc., and non-profit community centers for a program to prevent high rates of juvenile delinquency, teen pregnancy, and high school drop-out rates for youths-at-risk, so-called; provided, that said program shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the department of human services, education, the county sheriff's office, public safety departments, boys and girls' clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but need not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their household, truancy, homelessness, children-in-need-of-services status, so-called, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after-school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from

this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from said organization; provided further, that said secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each such program, the number of children to be served by each such program, the goals of each such program, expected outcomes for fiscal year 2001 and actual outcomes for fiscal year 2001; provided further, that \$50,000 shall be expended for the Billerica Boys and Girls Club; provided further, that \$50,000 shall be expended for the Salem Boys and Girls Club; provided further, that \$60,000 shall be expended for the Barnstable County Sheriff's Youth Program; provided further, that \$50,000 shall be expended for the Russian Teens-at-Risk Program operated by the Jewish Family and Children's Service in the city of Boston, town of Brookline, city of Malden and city of Newton; provided further, that \$20,000 shall be expended for the public partnership program between the Greater Lynn YMCA and YWCA and the town of Saugus; provided further, that not less than \$100,000 shall be provided to the Military Division for their participation in the Horace Mann Leadership Charter School; provided further, that \$74,940 shall be provided to expand the Common Ground program at the YWCA of Greater Lawrence; provided further, that \$75,000 shall be expended for a partnership between the united front child development center and the Boys and Girls Club of New Bedford; provided further, that \$50,000 shall be expended for the Boys and Girls Club of Roxbury; provided further, that an additional \$25,000 shall be expended for the Boys and Girls Club of Brockton; and provided further, that funds received by the Boys and Girls Club in this item shall not be taken into consideration or used to reduce award amounts by the Secretary when awarding funds from items 4000-0110 and 4000-0111 . . . . . \$554,940

4000-0122 For a citizenship assistance program to assist legal non-citizens in becoming citizens of the United States; provided, that the executive office of health and human services shall enter in-

to an interagency service agreement with the office for refugees and immigrants for the administration of said program; provided further, that said program shall be administered in consultation with said executive office, the department of transitional assistance and the division of medical assistance; provided further, that said program shall be provided through community-based organizations to the maximum extent determined appropriate by the office for refugees and immigrants; provided further, that the program funded by this item: (1) shall provide assistance to persons who are eligible to become citizens of the United States within three years; and (2) may be funded not only through state appropriations but also through matching financial or in-kind contributions by private organizations or local government agencies; provided further, that persons who would qualify for benefits provided pursuant to chapter 118A of the General Laws, but for their status as legal non-citizens shall be accorded the highest priority for provision of services; provided further, that said program shall neither be an entitlement, nor be construed to create an entitlement, and shall be subject to state appropriation; provided further, that the office for refugees and immigrants shall issue quarterly reports to the house and senate committees on ways and means and to the executive office of administration and finance on the number of persons participating in said program and the number of persons attaining citizenship in each quarter; provided further, that said report shall also detail the number of participants in said program receiving state-funded benefits by category of benefits and the federal benefits each participant would have been eligible for, but for his or her status as a legal non-citizen; provided further, that said office for refugees and immigrants shall report quarterly to the house and senate committees on ways and means and the executive office of administration and finance on the amounts of matching or in-kind contributions by private organizations or local government agencies; provided further, that no funds shall be expended from this item to replace expiring federal funds; and provided further, that no funds shall be expended from this item for AA subsidiary payroll costs, so-called ..... \$1,500,000



4000-0160 For a reserve for the costs of psychiatric and related services provided to children and adolescents, determined to be medically ready for discharge from acute hospital units or mental health facilities, who are experiencing unnecessary delays in being discharged due to the lack of more appropriate settings; provided, that for the purpose of funding said services, the secretary of health and human services may allocate funds from the amount appropriated herein to other departments within the executive office of health and human services; provided further, that the secretary of health and human services shall submit a report to the house and senate committees on ways and means not later than January 15, 2001 on the results of the collaboration between said office and the other departments within the executive office pursuant to section 433 of this act; provided further, that not less than \$4,900,000 shall be made available for 45 additional residential treatment beds for children in need of intensive clinical treatment; provided further, that not less than \$375,000 shall be expended to hire a licensed mental health professional for each of the six regions within the department of social services to serve as clinical care coordinators; provided further, that not less than \$3,130,000 shall be expended for 34 additional community and intensive residential treatment programs; provided further, that not less than \$800,000 shall be expended for four additional pediatric mental health inpatient beds; and provided further, that \$300,000 shall be provided for educational services; provided further, that \$400,000 shall be expended for one-time equipment purchases and modifications to state-owned property; and provided further, that \$95,000 shall be provided for increased psychiatry services ..... \$10,000,000

*Division of Medical Assistance.*

4000-0300 For the operation of the division, including the administrative costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that the same standards and regulations for personal care attendants in effect on February 1, 2000 shall be retained in fiscal year 2001 unless an agreement to any

changes is reached between the division of medical assistance, designees of the governor's advisory commission on disability policy, the Massachusetts office on disability and the statewide independent living council; provided further, that the same standards and regulations in place for score III, so called, in fiscal year 1998 shall be retained in fiscal year 2001; provided further, that in consultation with the division of health care finance and policy, the division shall not approve any increase in existing medicaid provider rates without taking all measures possible under Title XIX of the social security act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated to the division by this act shall be accounted for according to such purpose on the Massachusetts management, accounting and reporting system not more than ten days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the division shall seek to obtain the maximum amount of federal reimbursement for training of certified nursing aides, pursuant to item 7003-0604; provided further, that the division shall file a report with the house and senate committees on ways and means not later than December 1, 2000 detailing the amount of federal reimbursement available to the commonwealth for the training of certified nurses' aides; provided further, that the division may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds, so-called; provided further, that the division shall report quarterly to the house and senate committees on ways

and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that unless otherwise expressly authorized by law, the division shall deposit all federal funds received in the General Fund; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, so-called, to providers by item of appropriation from which said payments were made; and provided further, that the division shall authorize durable medical equipment that is prescribed for preventative services . . . . \$32,216,382

- General Fund . . . . . 85.84%
- Children's and Seniors' Health Care Assistance Fund . . . . . 14.16%

4000-0309 For administrative expenses of the division made pursuant to the EE subsidiary, so-called, as classified by the comptroller; provided, that all funds appropriated herein shall be scheduled in the EE subsidiary, so-called; and provided further, that no funds from any other item of state appropriation available to the division shall be used for said expenses except as specifically authorized in any such item . . . \$3,766,188

- General Fund . . . . . 85.84%
- Children's and Seniors' Health Care Assistance Fund . . . . . 14.16%

4000-0310 For administrative support and related services purchased contractually by the division, including contracted services necessary for the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that said services shall include but shall not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers and interagency service agreements; provided further, that not less than \$1,641,150 shall be provided for an interagency service agreement with the executive office of elder affairs that provides for the transfer of funds from this item for the costs of administering enrollment in the senior pharmacy assistance program established pursuant to the provisions of said section 16B; provided further, that not less than \$500,000 shall be distributed to home care corporations for the purposes of said

interagency service agreement; provided further, that a summary description of interagency service agreements for which funds are allocated by the division to other agencies shall be submitted to the house and senate committees on ways and means not more than ten days after making such allocations; provided further, that no funds shall be expended from this item for the contracted services funded in item 4000-0325; provided further, that no funds appropriated herein shall be scheduled or expended from the AA subsidiary, so-called; provided further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided by the division shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that \$1,000,000 shall be made available for the funding of the state mini-grant program, so called; provided further, that the division shall report to the house and senate committees on ways and means and the executive office of administration and finance, not later than January 4, 2001, the quarterly expenditure of said mini-grants; and provided further, that said report shall include, but not be limited to, a detail of recipients and amounts received, uses of said funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing program enrollment and promoting awareness of MassHealth programs; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from said hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in said agreement between the division and each donating provider hospital or health center; and provided further, that the federal financial participation received from claims filed by the division based on in-kind administrative services related to outreach



and eligibility activities performed by certain community organizations, under the so-called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement between the division and the organizations participating in said initiative . . . . . \$45,566,658

General Fund . . . . . 85.84%

Children's and Seniors' Health Care

Assistance Fund . . . . . 14.16%

4000-0320 The division of medical assistance may expend an amount not to exceed \$70,000,000 from the monies received from recoveries of any prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, masspro and healthpro refunds, medicaid fraud returns, data match returns, medicare appeals and program and utilization review audits; provided, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of items 4000-0300, 1599-0100, 1599-0111, 4000-0309, 4000-0310 or 4000-0325; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; and provided further, that the division shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures . . . . . \$70,000,000

4000-0325For the non-personnel systems costs of the division, including

such costs incurred to implement and operate programs authorized by sections 9A to 9C inclusive and sections 16B and 16C of chapter 118E of the General Laws; provided, that such systems costs may include contracts for the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the division's central automated vendor payment system, the medicaid management information system, so-called and the recipient eligibility verification system, MA21, so-called, the EE subsidiary costs, so-called, related to information technology division chargebacks, contractors responsible for systems maintenance and development, personal computers and other information technology equipment used by the division; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased by the division shall be assumed by the providers utilizing said devices; and provided further, that the division shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers . . . \$23,707,382

General Fund . . . . . 85.84%  
Children's and Seniors' Health Care  
Assistance Fund . . . . . 14.16%

4000-0430 For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children pursuant to sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that not more than \$9,259,000 shall be expended for expenses incurred in prior fiscal years; provided further, that the division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; provided further, that the division shall adhere to the same time standards for processing of a commonhealth application as govern applications under Title XIX of the federal social security act namely within 45 days of receipt of a completed application or within 90 days if a determination of disability is required; and provided further, that children shall be determined eligible for said medical care and assistance if said children meet the disability standards as defined by the

	division of medical assistance and that said disability standards shall be no more restrictive than the standards in effect on July 1, 1996 .....	\$30,560,000
4000-0450 For	a pharmacy assistance program for eligible residents of the commonwealth, pursuant to section 16B of chapter 118E of the General Laws; provided, that in addition to the amount appropriated for the interagency service agreement with the executive office of elder affairs in item 4000-0310, an amount not less than \$700,000 shall be provided for an interagency service agreement with said office that provides for the transfer of funds from this item for the costs of promulgating and administering enrollment in the senior pharmacy assistance program for any successor program, established pursuant to said section 16B of said chapter 118E; provided further, that notwithstanding the provisions of any general or special law to the contrary, any portion of the sum appropriated herein determined by the commissioner of medical assistance to be unneeded for the purposes set forth herein may be used for the purposes of items 4000-1450 and 4000-1451 of this act; and provided further, that no such transfer shall occur before April 1, 2001 .....	\$30,000,000
	Children's and Seniors' Health Care Assistance Fund .....	100.0%
4000-0460 For	an interagency service agreement with the executive office of elder affairs to provide home care services to eligible recipients through the enhanced community options program, so-called, the home health substitution initiative, so-called, and the nursing home light care initiative, so-called; provided, that the executive office of elder affairs shall ensure that the aging services access points, so-called, or other entities that receive funds from this item shall comply with any performance measures, outcome goals and cost-effectiveness standards established by the division and the executive office of elder affairs pursuant to the terms of said interagency service agreement .....	\$7,793,000
4000-0500 For	health care services provided to medical assistance recipients under the division's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the division; provided, that not more than \$197,660,000 shall be expended from this item for health care services provided	

to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the commissioners of the division of medical assistance and the department of mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the division to administer the mental health and substance abuse benefit; and provided further, that such quarterly reports shall include, but shall not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that the division of medical assistance, the department of mental health and the Massachusetts behavioral health partnership shall collaborate to submit a report to the house and senate committees on ways and means not later than December 15, 2000, detailing all administrative costs associated with managing the carve-out, so-called, of medicaid substance abuse and mental health services, including all costs associated with said division's contract with said partnership; provided further, that said report shall include the rates paid to each inpatient facility in said partnership's provider network for each type of service for which a distinct rate is paid, the methodological basis for such rates, including any adjustments made to such rates resulting from case-mix, per-member-per-month calculations or other factors, and the specific positive or negative adjustments made by the partnership to such rates for each of the last three fiscal years; provided further, that said report shall include a three year analysis that separately distinguishes utilization trends for clients of the department and recipients enrolled in each health benefit plan, so-called, that is offered by the division; provided further, said report shall incorporate recommendations relative to enhancing the rates paid to such facilities that re-



flects the relative cost of delivering services to such clients and recipients and for improving the performance of said partnership; provided further, that said report shall address the governmental costs of oversight of the MBHP, so-called, contract at the division of medical assistance, the department of mental health, the department of public health, the department of social services and other state agencies, as well as the value added by such oversight and interagency collaboration; provided further, that \$5,800,000 of the amount appropriated herein shall be expended for payment adjustments for inpatient services provided at acute pediatric specialty hospitals with not less than 250 licensed beds, which shall include disproportionate share payments and rate adjustments to compensate for the costs resulting from modifications to the division's payment methodology to acute care pediatric specialty hospitals with not less than 250 licensed beds in a manner which shall treat graduate medical education costs for pediatric residents at said hospitals as primary care medical education costs and shall recognize the intensity of certain outpatient service, and for the costs resulting from modifications to the rate methodology used by the division to reimburse acute care pediatric specialty hospitals with not less than 250 beds for care provided during so-called "outlier" days, which shall mean days in excess of 20 days after an acute inpatient hospital admission ..... \$1,422,220,676

4000-0600 For health care services provided to medical assistance recipients under the division's senior care plan; provided, that not more than \$255,710,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that notwithstanding the provisions of item 4000-0310 to the contrary, not less than \$8,600,000 shall be made available from this item to pay for the cost of home and community-based health waiver services provided to elderly medicaid recipients enrolled in the section 2176 waiver, so-called; provided further, that the division shall expend all necessary amounts to extend the number of nursing facility bed hold days to 20 for patients

	of the facility on medical leaves of absence pursuant to section 403 of this act; provided further, that not less than \$1,014,170 shall be made available from this item for the increased per diem rate paid to providers of dementia-specific adult day care services; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein . . . . .	\$1,647,370,000
4000-0700 For	health care services provided to medical assistance recipients under the division's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the division's managed care or senior care plans; provided, that not more than \$128,840,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$900,000 shall be made available from this item to pay for the cost of a program of outreach and follow-up services conducted by agencies certified as comprehensive family planning agencies to increase the utilization of comprehensive family planning services known as the Keep Teens Healthy Project, so-called; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the division shall conduct a study of medicaid rates paid to outpatient mental health, outpatient substance abuse, methadone counseling and psychiatric day treatment providers; provided further, that such study shall include (a) a review of medicaid reimbursement rates paid to said providers during fiscal years 1990 to 2001, inclusive; (b) a comparison of said rates to the costs said providers incur in delivering services; (c) an evaluation of the adequacy of said rates with consideration for inflation in costs incurred by said providers and other relevant factors as determined by said division; (d) a review of said providers' inability or ability to support programs within existing allocations; and (e) recommendations of how to improve the delivery of care and meet the specific needs of patients who are dually diagnosed with mental illness and addiction . . . . .	\$653,330,000

4000-0860 For MassHealth benefits provided to children and adults pursuant to clauses (a), (b), (c), (d) and (h) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents pursuant to said clause (c) of said subsection 2 whose family incomes, as determined by the division, exceed 150 per cent of the federal poverty level; provided further, that not more than \$31,620,000 shall be expended from this item for health care services provided to said children and adults in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XIX and Title XXI of the federal social security act shall be credited to the Children's and Seniors' Health Care Assistance Fund ..... \$205,355,323

Children's and Seniors' Health Care Assistance Fund ..... 100.0%

4000-0866 For expansion of the MassHealth Basic program to provide health insurance benefits to uninsured intermittent workers and certain homeless individuals; provided that such program shall include all those currently unemployed or those with intermittent work histories apart from income, as defined by section 103 of the McKinney Act, 42 U.S.C. 11302, as an individual who lacks a fixed, regular and adequate nighttime residence; and an individual who has a primary nighttime residence that is: a supervised publicly or privately operated shelter designed to provide temporary living accommodations including welfare hotels, congregate shelters, and transitional housing for the mentally ill; and institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; provided further, that funds shall only be expended and such expansion implemented, subject to federal approval of an amendment to the medicaid section 1115 waiver, so-called, and the availability of federal financial participation; and provided further, that not later than February 1, 2001, the division shall submit a report to the house and senate committees on ways and means detailing eligibility criteria for such intermittent workers and certain homeless individ-

uals, including the method for tracking expenditures for such persons, and the actuarially calculated per member per month cost of providing said benefits to such persons . . . . . \$2,500,000

Tobacco Settlement Fund . . . . . 100.0%

4000-0870 For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that not more than \$55,000,000 shall be expended from this item for health care services provided to said recipients in prior fiscal years; and provided further, that all revenues received as a result of expenditures authorized herein shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$168,100,000

Children's and Seniors' Health

Care Assistance Fund . . . . . 100.0%

4000-0880 For MassHealth benefits pursuant to the provisions of clause (c) of subsection 2 of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the division are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to said children and adolescents in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XXI of the federal social security act shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$43,000,000

Children's and Seniors' Health Care

Assistance Fund . . . . . 100.0%

4000-0890 For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that all federal reimbursements received for expenditures from this item pursuant the provisions of Title XIX and Title XXI of the federal social security act shall be credited to the Children's and Seniors' Health Care Assistance Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated herein . . \$18,346,000

Children's and Seniors' Health Care

Assistance Fund . . . . . 100.0%



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4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that the division shall directly market said program to private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to said employers and their employees; provided further, that on or before May 1, 2001, the division shall report to the house and senate committees on ways and means and the executive office of administration and finance on the specific measures taken to promote said participation, the number of said employers and their employees electing to participate in said program and the monthly costs of subsidies paid by the division on their behalf; provided further, that the division shall report monthly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for said program, including the total number of employers participating in said program, the percentage of said employers who purchased health insurance for employees prior to participating in said program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, two-person family and family subsidies; provided further, that the division shall seek federal reimbursement for said payments to employers; and provided further, that any and all federal reimbursements received for expenditures from this item, pursuant the provisions of Title XIX and Title XXI of the federal social security act, shall be credited to the Children's and Seniors' Health Care Assistance Fund . . . . . \$9,497,622

Children's and Seniors' Health Care  
Assistance Fund . . . . . 100.0%

4000-0892 For the first year of a two-year demonstration project to promote and support access to health insurance for child care workers; provided, that said project shall be developed by the executive office of health and human services for implementation by the division not later than October 31, 2000;

provided further, that said office shall file the proposed plan 30 days prior to implementation with the clerks of the house of representatives and the senate; provided further, that the cost of said project shall not annualize above the amount appropriated herein; and provided further, that said office shall, in conjunction with the office of child care services, collaborate with licensed child care providers to provide information to workers on health insurance programs . . . . . \$2,000,000  
Children's and Seniors' Health Care  
Assistance Fund . . . . . 100.0%

4000-1000 For the purpose, notwithstanding the provisions of any general or special law to the contrary, of making non-recurring payments to acute care hospitals by the division of medical assistance; provided, that the division shall collaborate with the division of health care finance and policy and the department of public health to determine the methodology by which to make such payments; provided further, that said division shall make such payments in a manner designed to achieve the greatest possible gains in patient care and public health, while maximizing federal financial participation; provided further, that said payments shall commence for the hospital fiscal year beginning October 1, 2000 and shall be completely payable within state fiscal year 2001; provided further, that said division shall file a report not later than September 1, 2000 with the house and senate committees on ways and means detailing: (i) the methodology used to determine such payments; (ii) the amount projected to be paid to each such acute care hospital in state fiscal year 2001; and (iii) the projected impact of such payments on patient care and the promotion of public health at each such facility; provided further, that any and all federal financial participation generated by said payments shall be credited by the comptroller to the Medical Security Trust Fund, established pursuant to subsection (k) of section 14G of chapter 151A of the General Laws; provided further, that an independent consultant, appointed and approved by the speaker of the house of representatives, the president of the senate, and the governor, shall conduct a study of medicaid reimbursement rates paid to acute hospitals, non-acute hospitals and community health centers licensed by the department of public health; provided further, that said study

shall include: (i) a review of medicaid reimbursement rates to said hospitals and health centers from fiscal years 1992 to 2001, inclusive; (ii) a comparison of said rates to said hospitals and health centers in relation to the costs said hospitals incur in delivering services to medicaid beneficiaries; (iii) an evaluation of the adequacy of changes in such rates during said fiscal years compared with inflation in the costs of delivering care incurred by said hospitals and health centers, and other economic factors which may impact said hospital's operating margins; and, (iv) a review and analysis of medicaid reimbursement rates to said hospitals and health centers compared to medicaid payment rates to such facilities made by other states; provided further, that said independent consultant shall not have a financial interest in the hospitals or health centers under review; provided further, that said independent consultant shall consult with the division of medical assistance and the division of health care finance and policy and various health care providers and advocacy organizations in conducting said study; provided further, that said independent consultant shall file the initial findings of said study, which shall include an estimate of the aggregate cost of any recommended funding enhancements, with the secretary of administration and finance, the clerks of the house of representatives and the senate, and the senate and house committees on ways and means on or before October 15, 2000; provided further, that said secretary shall submit a plan detailing the process for implementing the findings of said study with the senate and house committees on ways and means on or before December 15, 2000; and provided further, that said independent consultant shall be funded from this item ..... \$25,000,000

4000-1005 For the exclusive purpose of funding increases in wages and related employee costs for certified nurses' aides at nursing facilities; provided, that the division shall expend the entire amount appropriated herein to uniformly increase the wages of said aides; provided further, that the division of medical assistance and the division of health care finance and policy shall establish criteria for the disbursement of the funds appropriated herein and shall report to the senate committee on ways and means and the house committee on ways and

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means on said criteria not later than September 1, 2000; provided further, that said criteria shall mandate the degree to which such nursing facilities provide enhanced wages for certified nurses' aides; and provided further, that the division shall report to the senate and house committees on ways and means on the wage increases given at each facility by January 4, 2001 ..... \$35,000,000

4000-1400 For the purposes of expanding MassHealth benefits to a persons with a diagnosis of human immuno-deficiency virus, so called, with an incomes up to 200 per cent of the federal poverty level, subject to federal approval of an amendment to the medicaid state plan and Section 1115 waiver; provided, that said amendment shall be consistent with the provisions of section 9A of chapter 118E of the General Laws ..... \$10,000,000

Tobacco Settlement Fund ..... 100.0%

4000-1431 The division shall expend \$3,824,000 from this item for the purpose of increasing the reimbursement rate paid to community health centers for services under contract with said division that are eligible for federal financial participation; provided, that said division shall expend \$176,000 of the amount appropriated herein to increase the enhanced rate paid to said community health centers for extended hour medical visits so-called; and provided further, that the division shall seek to obtain the maximum amount of federal financial participation for expenditures from this item ..... \$4,000,000

4000-1450 For an interim catastrophic pharmacy assistance program; provided, that notwithstanding the provisions of section 313 of chapter 127 of the acts of 1999, any and all persons enrolled in said program shall continue to receive such assistance until March 31, 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, any portion of the sum appropriated herein determined by the commissioner of medical assistance to be unneeded for the purposes set forth herein may be used for the purposes of items 4000-0450 and 4000-1451 ..... \$7,000,000

Tobacco Settlement Fund ..... 100.0%

4000-1451 For an actuarially-sound insurance program to cover the catastrophic costs of prescription drugs, pursuant to section 46; provided that not more than \$2,000,000 shall be expended



for the administration of said program; provided further, that said program shall commence on April 1, 2001 and shall immediately begin on an incremental and voluntary basis enrolling eligible persons who are enrolled on such date in the pharmacy assistance programs funded by items 4000-0450 and 4000-1450; provided further, that notwithstanding the provisions of any general or special law to the contrary, any portion of the sum appropriated herein determined by the commissioner of medical assistance to be unneeded for the purposes set forth herein above may be used for the purposes of said items 4000-0450 and 4000-1450; and provided further, that not less than \$250,000, in conjunction with any private and federal funds, shall be allocated for the implementation of the pharmacy outreach program, established by section 4C of chapter 19A of the General Laws . . . . . \$32,200,000

Tobacco Settlement Fund . . . . . 100.0%

4000-1500 For expanded pharmacy services for all children to age 18 who are receiving family assistance coverage-premium assistance, so-called, pursuant to section 16C of chapter 118E of the General Laws, section 223 of this act, and under the MassHealth demonstration project established pursuant to sections 9A and 9B of chapter 118E of the General Laws, to the extent that the policies of health insurance with respect to which premium assistance payments are being made for the benefit of such children do not cover such services; provided, that the division of medical assistance shall make such expenditures without regard to the availability of federal reimbursement; provided further, that the division shall seek to obtain federal reimbursement for such expenditures through an amendment to the MassHealth demonstration project waiver, so-called; provided further, that said amendment shall be consistent with said section 16C of said chapter 118E and section 223 of this act; and provided further, that the division shall pursue the highest level of federal reimbursement for the expenditures authorized herein . . . . . \$750,000

Tobacco Settlement Fund . . . . . 100.0%

4000-1504 For the purpose of increasing rates of payment to participating dental care providers in order to enhance access to and the quality of dental services for MassHealth beneficiaries; provided, that any rate increases provided for herein shall be

promulgated effective July 1, 2000 for the complete fiscal year and that said increase shall be based upon the amount appropriated herein; provided further, that the division, in consultation with the division of health care finance and policy, may determine the specific services to which such rate increases shall apply; provided further, that said rate increases shall constitute a component of a multi-year, multi-component MassHealth dental reform initiative, which shall include administrative reforms to promote increased provider participation; provided further, that the division shall submit a report detailing changes in the rate of dental provider participation and the number of dental visits and procedures provided to MassHealth beneficiaries, pursuant to section 457; and provided further, that said report shall also project any annualized costs resulting from such changes in participation and utilization which may cause the cost of dental services to exceed the amount appropriated herein in fiscal year 2002 . . . . . \$19,400,000

*Division of Health Care Finance and Policy.*

4100-0060 For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of chapter 118G of the General Laws for the estimated expenses of the division shall be made pursuant to the provisions of section 344; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the division of medical assistance, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the

Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise about the Massachusetts health care industry with the Massachusetts institute for social and economic research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; and provided further, that, not later than February 24, 2001, the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996 . . . . . \$8,890,870

4100-0064 For the purposes of conducting semi-annual audits of wage increases and related employee costs for certified nurse's aides expended from item 4000-1005; provided, that the division of health care finance and policy, in consultation with the division of medical assistance, shall recoup at a rate of not less than 150 per cent, any and all monies expended in violation of the provisions of said item 4000-1005; provided further, that nursing facilities receiving payments from said item shall certify in writing to said division that said payments are being used exclusively for the purposes enumerated in said item 4000-1005; provided further, that said written certification shall establish the amount projected to be paid in fiscal year 2001 for said increased wages and benefits; provided further, that said audit shall establish the veracity of such written certification; and provided further that the division shall submit to the house and senate committees on ways and means and the joint committee on health care a report at the end of said fiscal year on the amounts recouped in said fiscal year and

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projected to be recouped in fiscal year 2002 from violations  
of said provisions of said item 4000-1005 ..... \$200,000  
Tobacco Settlement Fund ..... 100.0%

*Massachusetts Commission for the Blind.*

- 4110-0001 For the office of the commissioner and the bureau of research;  
provided, that amounts appropriated to the commission in  
fiscal year 2001 that extend or expand services beyond the  
level of services provided in fiscal year 2000 shall not  
annualize above said amounts in fiscal year 2002 ..... \$1,159,477
- 4110-1000 For the community services program; provided that not less  
than \$350,000 shall be expended from this item for the  
deaf-blind community access network; provided further,  
that not less than \$500,000 shall be expended for the talking  
information center; provided further, that not less than  
\$10,000 shall be expended for the Audible Local Ledger of  
Falmouth; provided further, that the commission shall  
develop a proposal for an internet-based version of the  
talking information center to be submitted to the house and  
senate committees on ways and means not later than  
February 1, 2001; and provided further, that the  
Massachusetts commission for the blind shall work in  
collaboration with the Massachusetts commission for the  
deaf and hard of hearing to provide assistance and services  
to the deaf-blind community through said deaf-blind  
community access network ..... \$4,093,938
- 4110-1010 For aid to the adult blind; provided, that funds may be expended  
from this item for burial expenses incurred in the prior  
fiscal year ..... \$8,369,809
- 4110-1020 For eligibility determination for the medical assistance program  
for the blind; provided, that the commission shall work with  
the division of medical assistance, the department of mental  
retardation and other state agencies to maximize federal  
reimbursement for clients so determined through this item  
including, but not limited to, reimbursement for home and  
community-based waiver clients ..... \$421,813
- 4110-2000 For the turning 22 program of the commission, provided, that  
nothing stated herein shall give rise to or shall be construed  
as giving rise to enforceable legal rights in any party or an  
enforceable entitlement to the services funded herein; pro-  
vided further, that the commission shall work in conjunc-



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	tion with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services . . . . .	\$7,798,576
4110-2001 For	services to clients of the department who turn 22 years of age during state fiscal year 2001; provided, that the amount appropriated herein shall not annualize to more than \$540,000 in fiscal year 2002; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services . . . . .	\$320,000
4110-3010 For	a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees; provided further, that \$163,000 of the amount appropriated herein shall be obligated for the purpose of mitigating inequitable reimbursement rates for the Carroll Center for the Blind; and provided further, that not less than \$1,300,000 shall be expended for technological adaptations to increase vocational opportunities for the blind . . . . .	\$2,675,450
4110-4000 For	the administration of the Ferguson Industries for the blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the general fund; and provided further, that \$40,000 shall be expended on a cost of living adjustment to the blind workers in the workshop . . . . .	\$1,738,949

*Massachusetts Rehabilitation Commission.*

4120-1000	For the operation of the commission; provided, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of the department of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error, and abuse in the programs administered by the commission; provided further, that said lists shall include client names and social security numbers and payee names and other identification, if different from a client's; and provided further, that amounts appropriated in items of the department that extend or expand services beyond the level of services provided in fiscal year 2000 shall not annualize above said amounts in fiscal year 2002 . . . . .	\$367,321
4120-2000	For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that not less than \$155,000 shall be expended on special vocational projects in the Charlestown section of the city of Boston . . . . .	\$7,520,413
4120-3000	For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided; and provided further, that not less than \$150,000 shall be expended for the Charlestown Navy Yard special project for physically disabled adults . . . . .	\$9,025,618
4120-4000	For independent living assistance services; provided, that the commission shall provide the same level of services in fiscal year 2001 as provided in fiscal year 2000; provided further, that \$15,000 shall be expended for Living Independently for Equality, Inc. of Brockton; provided further, that not more than \$858,000 shall be expended for	

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	assistive technology devices and training for individuals with severe disabilities; provided further, that the commission shall expend not less than an additional \$240,000 beyond the amount expended in fiscal year 2000 for such devices and training services; provided further, that \$200,000 shall be obligated for the SHARE Foundation at the University of Massachusetts; and provided further, that not less than \$400,000 shall be expended for the turning 22 program of the commission . . . . .	\$7,023,433
4120-4001	For the housing registry for the disabled . . . . .	\$100,000
4120-5000	For homemaking services . . . . .	\$4,704,801
4120-5050	Notwithstanding any general or special law to the contrary, the Massachusetts rehabilitation commission may expend an amount not to exceed \$2,000,000 for expanded independent living and employment services from federal reimbursements received for services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate reported in the state accounting system; and provided further, that the commission shall submit a report to the house and senate committees on ways and means not later than February 3, 2001, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of said expenditures in the subsequent fiscal year . . . . .	\$2,000,000
4120-6000	For head injured services; provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program . . . .	\$6,923,277
4120-6001	For the additional expenses of providing head injured services; provided, that the commission shall expend not more than \$250,000 to provide recurring residential services on a 24-hour basis to persons with severe head injuries in western Massachusetts; provided further, that the remaining funds not obligated to said western Massachusetts services shall be expended solely for the cost of nonrecurring services to	

the head injured; provided further, that said remaining funds shall not be used to supplant existing services provided under item 4120-6000; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; provided further, that the commission shall perform outreach and provide information to the courts of the commonwealth regarding services provided through this item and the various revenue sources which fund the Head Injury Treatment Services Trust Fund; and provided further, that the commission shall report quarterly to the house and senate committees on ways and means and the secretary on administration and finance on the balance of the Head Injury Treatment Services Trust Fund and on the balance of said fund from the corresponding quarter of the prior fiscal year . . . . . \$750,000

Head Injury Treatment Services Trust Fund . 100.0%

4120-6002 The commission may expend an amount not to exceed \$2,000,000 from fees collected pursuant to section 20 of chapter 90 of the General Laws for rehabilitation services for head injured persons; provided, that the commission shall report to the house and senate committees on ways and means not later than January 31, 2001, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of said expenditures in the subsequent fiscal years; provided further, that all unexpended funds from this item shall revert to the Head Injury Treatment Services Trust Fund; and provided further, that funds appropriated herein shall not be used to supplant existing services provided under item 4120-6000 . . . . . \$2,000,000

Head Injury Treatment Services Trust Fund . 100.0%

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0100 For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing; provided, that the commission shall expend \$100,336 for the case management of children deemed eligible for such services from said commission, \$50,000 for assistive technology devices, \$525,000 for independent living services, so-called, and \$1,050,000 for interpreter and CART services, so-called;



and provided further, that amounts appropriated in items of this department that extend or expand services beyond the level of services provided in fiscal year 2000 shall not annualize above said amounts in fiscal year 2002 . . . . . \$5,656,825

4125-0101 Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts commission for the deaf and hard of hearing may expend revenues in an amount not to exceed \$105,000 from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$105,000

*Office of Child Care Services.*

4130-0001 For the administration of the office of child care services; provided, that said office shall issue monthly reports detailing the number and average cost of voucher and contracted child care slots funded from items 4130-3200, 4130-3250, 4130-3300, 4130-3400, 4130-3500, 4130-3600 and 4130-3700 by category of eligibility; provided further, that said report shall include the number of recipients subject to the provisions of subsection (f) of section 110 of chapter 5 of the acts of 1995 funded under said items 4130-3200 and 4130-3700 that qualify for federal funding through the transitional aid to needy families fund; provided further, that said office shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized child care; provided further, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR 8.00 as in effect on May 28, 1993; provided further, that notwithstanding the provisions of any general or special law to the contrary, said office is hereby authorized and directed

	to perform post-audit reviews on a representative sample of the income eligibility determinations performed by vendors receiving funds from said items 4130-3200, 4130-3250, and 4130-3300; provided further, that said office shall report quarterly to the house and senate committees on ways and means and secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by said post audit reviews; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the children's trust fund, so-called . . . . .	\$2,394,001
4130-0002 For	the administration of the children's trust fund . . . . .	\$985,574
4130-0005 For	field operations licensing; provided, that no funds from this item shall be expended for family support services; provided further, that said office shall generate not less than \$712,050 to be deposited in the General Fund from licensing fees and the sale of child care lists; and provided further, that no funds from this item shall be expended for the DD subsidiary costs, so-called, of the Children's Trust Fund . . . . .	\$6,906,493
4130-1000 For	statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the children's trust fund; provided, that such services shall be made available statewide to all parents under the age of 21 years within the amount appropriated herein . . . . .	\$16,151,720
	Transitional Aid To Needy Families Fund . . 100.0%	
4130-2998 For	one-time child care quality expenditures; provided, that not less than \$173,937 shall be expended for activities to increase the supply of quality child care for infants and toddlers; provided further, that not less than \$260,705 shall be expended for resource and referral and school-age child care activities; provided further, that no funds from this item shall be used to fund capital assets or equipment for for-profit providers or agencies; provided further, that the commissioner of child care services shall submit written certification to the secretary of administration and finance and the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2001; and provided further, that no funds may be expended, obligated	

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	or transferred from this item prior to the submission of said certification .....	\$2,837,362
	Child Care Fund .....	100.0%
4130-3100 For	the regional administration of child care programs and related child care activities; provided, that said activities shall include, but not be limited to, voucher management, child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents, and coordination of waiting lists for state-subsidized child care; provided further, that a minimum of \$650,000 shall be expended through child care resource and referral programs for child care provider training; provided further, that not less than \$190,000 shall be expended to provide child care services for children with disabilities in child care programs; and provided further, that no funds shall be expended from this item for AA subsidiary payroll expenses, so-called .....	\$12,255,481
	Child Care Fund .....	100.0%
4130-3200 For	the employment services voucher and contracted child care program; provided, that the employment services child care program shall be available for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of said recipients; provided further, that child care funded from this item shall be available to former recipients of said program who are working for up to one year after termination of said benefits; provided further, that child care slots shall be distributed geographically in a manner which provides fair and adequate access to child care for all eligible individuals; provided further, that said office is hereby authorized to provide child care benefits to certain other former recipients of said program who are participating in education or training in compliance with regulations promulgated by the department of transitional assistance; provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation; and provided further, that the department is hereby authorized to provide child care benefits to parents currently enrolled in a job training program who are under the age of 18 and who	

	would qualify for benefits under the provisions of chapter 118 of the General Laws but for the deeming of the grandparents' income .....	\$94,381,207
	Transitional Aid to Needy Families Fund ..	51.24%
	General Fund .....	35.46%
	Child Care Fund .....	13.30%
4130-3250	For the provision of post-transitional child care vouchers for former recipients of the program of transitional aid to families with dependent children; provided, that child care funded from this item shall remain available to such former recipients who have been working for more than one year after termination of said transitional aid benefits .....	\$56,585,255
	Child Care Fund .....	60.92%
	Transitional Aid to Needy Families Fund ..	39.08%
4130-3300	For the provision of income-eligible child care slots .....	\$113,625,105
	Child Care Fund .....	60.00%
	Transitional Aid to Needy Families Fund ..	39.11%
	General Fund .....	0.89%
4130-3400	For the provision of child care services to the children of: (a) teen parents attending high school and receiving transitional aid to families with dependent children benefits pursuant to subsection (i) of section 110 of chapter 5 of the acts of 1995; (b) teen parents receiving supplemental security income payments who participate in school, education, work and training-related activities or a combination thereof and whose dependent children receive said aid; and (c) teen parents who participate in school, education, work and training related activities or a combination thereof and who are at risk of becoming eligible for transitional aid to families with dependent children benefits; provided, that the office of child care services, in consultation with the department of transitional assistance and the department of social services, shall allocate from this item funds sufficient to ensure the priority of provision of child care services first to children of teen parents in category (a), then category (b), and lastly, category (c); provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to regulations promulgated for the transitional aid to families with dependent children pro-	



	gram; and provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for said program of transitional aid, whether or not such teens are recipients of benefits under said program of transitional aid . . . . .	\$10,081,339
4130-3500 For	the provision of trial court child care services; provided, that \$127,553 shall be expended for child care services in the Roxbury trial court; provided further, that \$152,925 shall be expended for child care services in the Springfield trial court; provided further, that \$97,674 shall be expended for child care services in the West Roxbury trial court; provided further, that \$255,938 shall be expended for child care services in the Middlesex trial court; provided further, that \$175,000 shall be expended for child care at Dorchester district court; provided further, that \$175,000 shall be expended for trial court child care in Lawrence; provided further, that \$250,000 shall be expended for child care at the Suffolk county court complex; provided further, that not less than \$175,000 shall be expended for child care services in the Fall River trial court; provided further, that \$200,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$300,000 shall be expended for child care services in the Brockton trial court . . . .	\$1,909,090
4130-3600 For	supportive child care associated with the family stabilization program; provided, that funds from this item shall only be expended for child care costs of children with active cases at the department of social services; and provided further, that no funds shall be expended for "extended vouchers", so-called . . . . .	\$47,997,242
	Child Care Fund . . . . .	92.28%
	General Fund . . . . .	6.67%
	Social Services Program Fund . . . . .	1.05%
4130-3700 For	the provision of informal child care benefits; provided, that not more than \$2.00 per child per hour shall be paid for such services . . . . .	\$13,080,837
	General Fund . . . . .	88.0%
	Transitional Aid to Needy Families Fund . . .	12.0%

*Soldiers' Home in Massachusetts.*

- 4180-0100 For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that not less than \$31,000 shall be expended for the purposes of providing psychiatric services to the residents and patients at said soldiers' home . . . . . \$20,941,394
- 4180-1100 The Soldiers' Home in Massachusetts located in the city of Chelsea may expend revenues up to a maximum of \$157,000 for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of the soldiers' home in Massachusetts located in the city of Chelsea; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the soldiers' home in Massachusetts located in the city of Chelsea may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued . . . . . \$157,000

*Soldiers' Home in Holyoke.*

- 4190-0100 For the maintenance and operation of the Soldiers' Home in Holyoke including the adult day care program; provided, that not less than \$111,280 shall be expended to expand dental clinic hours to 40 hours per week . . . . . \$15,922,648
- 4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$99,000 from co-payments charged to users of said program; provided, that the rates of said co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said Soldiers' Home and approved by the

secretary of health and human services; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$99,000

4190-1100 The Soldiers' Home in Holyoke may expend revenues up to a maximum of \$113,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of the Soldiers' Home in Holyoke; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the Soldiers' Home in Holyoke may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued . . . . . \$113,000

4190-1103 For a one-time purchase of medical-related equipment for said soldiers' home; provided, that said home shall submit a report detailing the purchase and expenditures of each medical-related equipment; and provided further, that the report shall include, but not limited to, the expenditures of health-related examinations performed outside of said home during the years 2000 and 2001 not later than February 1, 2001 . . . . . \$375,000

Tobacco Settlement Fund . . . . . 100.0%

*Department of Youth Services.*

4200-0010 For the administration of the department of youth services; provided, that the department shall submit a report to the house

	and senate committees on ways and means not later than February 1, 2001, detailing the caseload for all department programs funded in items 4200-0100, 4200-0200 and 4200-0300; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report on the status of educational resources at the department of youth services; provided further, that said report shall review teacher retention, salary comparisons within the department and to statewide averages, and related impact on the quality of educational services provided to youths in the custody of the department; provided further, that said report shall include recommendations for the improvement of educational resources and costs associated with said improvements; provided further, that said study shall be submitted to the house and senate committees on ways and means no later than February 1, 2001; and provided further, that \$30,000 shall be encumbered for the procurement of private consultants to aid in the development of said report . . . . .	\$5,004,162
4200-0100 For	supervision, counseling, and other community-based services provided to committed youths in non-residential care programs of the department; provided, that the commissioner is hereby authorized to transfer up to 5 per cent of the amount appropriated herein to items 4200-0200 and 4200-0300 of section 2; and provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer . . . . .	\$19,821,380
4200-0200 For	pre-trial detention programs, including purchase-of-service and state-operated programs; provided, that not less than \$1,812,500 shall be encumbered for the partial-year costs of establishing and operating two additional state-run detention centers; provided further, that of said two centers, one shall be placed in the central area and one shall be placed in the southeast area, so-called; provided further, that said amount shall not be used for any purposes other than those specifically identified herein; provided further, that the commissioner is hereby authorized to transfer up to 5 per cent of the amount appropriated herein to items 4200-0100	



	and 4200-0300; and provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer .....	\$14,734,894
4200-0300 For	secure facilities, including purchase-of-service and state-operated programs incidental to the operations of said facilities; provided, that not less than \$250,000 be expended for "non-contracted services", so-called, located within the commonwealth; provided, that not less than \$1,187,500 shall be encumbered for the partial-year costs of the procurement of two additional residential treatment programs; provided further, that of said two programs, one shall be placed in the central area and one shall be placed in the southeast area, so-called; provided further, that said amount shall not be used for any purposes other than those specifically identified herein; provided further, that the commissioner is hereby authorized to transfer up to 3 per cent of the amount appropriated herein to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, said commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer .....	\$77,829,495

*Department of Transitional Assistance.*

4400-1000 For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided, that during fiscal year 2001 the department shall maintain two transitional assistance offices in the city of Springfield; provided further, that said department shall develop a pilot program to extend office hours of the four local transitional assistance offices that serve the largest number of recipients for not less than three days per week, including one weekend day; provided further, that said extended hours shall include

the hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. to 8:00 p.m. on weekdays in order to reasonably accommodate recipients that are employed, that have community service obligations, that are participating in training programs, that have health barriers, or that have transportation barriers; provided further, that said offices shall be located in safe and publicly accessible buildings; provided further, that said department shall implement said pilot program not later than January 1, 2001; provided further, that the department shall staff said pilot program to extend office hours on a volunteer basis; provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E or to interfere with or detract from the rights of any employee under chapter 31; provided further, that said department shall study the costs of implementing extended office hours for all local transitional assistance offices and shall report the results of said study to the house and senate committees on ways and means not later than October 1, 2000; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that associated expenses of employees whose AA subsidiary payroll costs, so-called, are paid from item 4400-1100 of section 2 shall be paid from this item; provided further, that the department shall collect all out-of-court settlement restitution payments, so-called; provided further, that said restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing the total amount of fraudulently obtained benefits identified by the bureau of special investigations of the department of revenue, the total value of said settlement restitution payments, actual monthly collections, and any circumstances that produce shortfalls in said collections; provided further, that notwithstanding any provision of general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes

of the department, including reimbursements for administrative, fringe and overhead costs, for fiscal year 2001 and prior fiscal years, shall be credited to the General Fund; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits; and provided further, that said report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay, and monthly expenditures . . . \$77,271,637

General Fund . . . . . 83.0%

Transitional Aid to Needy Families Fund . . . 17.0%

4400-1025 For domestic violence specialists at local area offices . . . . . \$551,281

4400-1100 For AA subsidiary payroll, so-called, of the department caseworkers; provided, that only employees of bargaining unit eight, shall be paid from this item; and provided further, that any other expenses associated with said employees shall be paid from items 4400-1000 and 4400-9999 . . . . . \$58,693,477

General Fund . . . . . 83.0%

Transitional Aid to Needy Families Fund . . . 17.0%

4400-9999 For the payment of charges assessed for all employees of the department for the costs of workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of transitional assistance, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that

the following conditions have been met: (1) that the charges owed by the department for workers' compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, Medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein . . . . . \$1,121,198

General Fund . . . . . 83.0%

Transitional Aid to Needy Families Fund . . . 17.0%

4401-1000 For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children and the absent parents of said recipients; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that the department may allocate funds from this item to other agencies, including community colleges in the commonwealth, for the purposes of the employment services program; provided further, that no funds from this item shall be expended for child care or informal child care; provided further, that \$300,000 shall be expended for the parent's fair share program operated by sSpectra management services corporation, Inc., of Springfield; provided further, that not less than \$3,944,690 shall be expended for



young parent programs; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program; provided further, that the payments for the costs of transportation to an approved activity by means other than public transportation or private automobile shall be permitted only when transportation by public means or private automobile is not reasonably available and affordable, and shall be subject to reasonable maximums determined by the department; provided further, that the annualized value of the programs funded in this item shall not exceed in fiscal year 2002 the amount appropriated herein; and provided further, that the department shall notify the house and senate committees on ways and means of all allocations made from this item . . . . \$24,825,327

Transitional Aid To Needy Families Fund . . . 80.0%  
General Fund . . . . . 20.0%

4401-1001 For a reserve to fund additional services for recipients of the transitional aid to families with dependent children program; provided, that funds from this item may be expended on former recipients of said program for up to one year after termination of their benefits due to employment or the provisions of subsection (f) of section 110 of chapter 5 of the acts of 1995; provided further, that the department may use funds from this item to fund intensive case management efforts for said recipients that may include, but need not be limited to, ongoing family support, community-based referrals, domestic violence referrals, substance abuse referrals, emergency assistance, job search assistance, technical assistance and other social service referrals; provided further, that up to \$2,000,000 may be obligated for mentoring programs, including up to \$250,000 for a mentoring program in Hampshire county; provided further, that not less than \$1,000,000 shall be expended from this item for certified nurses' aide training programs and for adult education programs, including but not limited to, programs targeted to assist recipients who wish to become certified nurses' aides but who are not qualified to do so because of insufficient reading or math levels to attain such reading or math level; provided further, that such programs shall be made available to recipients in each service

delivery area, so-called; provided further, that \$100,000 shall be expended for employment support services specifically designed to provide job support to recipients and former recipients working as certified nurses' aides, including, but not limited to, counseling and supports regarding transportation, access to child care, including off-hour child care, and domestic violence; provided further, that up to \$4,000,000 may be spent on community college scholarships for degree programs and for other certified post-secondary educational programs; provided further, that funds from this item may be expended for employment and training courses, re-employment services, job retention services, structured subsidized employment services, adult basic education, graduate equivalency degree courses or English as a second language courses; provided further, that funds from this item may be spent on emergency work-related expenses for said recipients, including emergency transportation costs; provided further, that up to \$5,000,000 may be expended for additional transportation services, including public transportation services; provided further, that said department shall assess the skill level of each recipient three months prior to the loss of eligibility for said transitional benefits; provided further, that said assessments shall be limited to recipients who lack a high school or graduate equivalency degree; provided further, that said assessments shall determine reading levels, math levels, English proficiency, and work history; provided further, that said assessments shall determine if said recipients face substantial barriers to employability including, but not limited to, disabilities, child behavioral problems, substance abuse or domestic violence; provided further, that said department shall document the results of said assessments, including the basis for making a determination that a recipient faces substantial barriers to employability; provided further, that said department shall report to the house and senate committees on ways and means on the findings of said assessments on or before February 1, 2001; provided further, that no funds shall be expended from this item for cash assistance; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement

to services; provided further, that said department shall provide a status report on fiscal year 2001 expenditures to date and anticipated remaining fiscal year 2001 expenditures made from this item to the house and senate committees on ways and means no later than February 1, 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller is hereby authorized and directed to transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund, established by section 2NN of chapter 29 of the General Laws . . . . . \$15,028,478

Transitional Aid to Needy Families Fund . . . 80.0%

General Fund . . . . . 20.0%

4403-2000 For a program of transitional aid to families with dependent children; provided, that notwithstanding the provisions of any general or special law to the contrary, benefits from this item shall be paid only to citizens of the United States and to noncitizens for whom federal funds may be used to provide benefits; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2000 adjusted by an additional 10 per cent; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be 2¾ per cent below the otherwise applicable payment standard, in fiscal year 2001, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from said program of the requirements found in clause 2 of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a non-recurring children’s clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2000; provided further, that said children’s clothing allowance shall be in-

cluded in the standard of need for the month of September, 2000; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding the provisions of section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that not less than \$308,074 shall be expended for the purposes of the operation of the transportation assistance program operated by the traveler's aid society of Boston; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that said department shall provide oral and written notification to all recipients of their child care benefits on a semiannual basis; provided further, that said notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that said notification shall detail available



child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that said department shall work with the office of child care services to ensure that both recipient currently receiving benefits and former recipient during the one year period following termination of benefits are provided written and verbal information about child care services; provided further, that said department shall submit said notification to the house and senate committees on and ways and means not later than October 1, 2000 and shall commence oral and written notification to all recipients not later than December 1, 2000; provided further, that said notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility for, or levels of, benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, such proposed changes; and provided further, that notwithstanding the provision of any special or general law to the contrary, the comptroller is hereby authorized and directed to transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund, established by section 2NN of chapter 29 of the General Laws . . . . . \$243,144,221

General Fund . . . . . 63.0%

Transitional Aid to Needy Families Fund . . . 37.0%

4403-2002 For a program of supplemental transitional aid to families with dependent children pursuant to the provisions of section 210 of chapter 43 of the acts of 1997; provided, that benefits

under this item shall be provided only to persons who are not citizens of the United States, and for whom, pursuant to section 401, 402 or 403 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1611, 1612 or 1613, federal funds may not be used to provide benefits pursuant to chapter 118 of the General Laws, but who are qualified aliens within the meaning of section 431 of said Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. section 1641 or are otherwise permanently residing in the United States under color of law; provided further, that the number of assistance units receiving benefits funded from this item at any one time shall not exceed the number of assistance units comprised of qualified aliens or persons permanently residing under color of law which were receiving benefits provided under item 4403-2000 of chapter 151 of the acts of 1996 on June 1, 1997, plus 640 assistance units; provided further, that notwithstanding the provisions of any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2000 adjusted by an additional 10 per cent; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be  $2\frac{3}{4}$  per cent below the otherwise applicable payment standard, in fiscal year 2001 pursuant to the provisions of the state plan required under the personal responsibility and work opportunity reconciliation act of 1996, so-called; provided further, that the department shall notify all teenage parents receiving benefits from said program of the requirements found in clause 2 of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a non-recurring children's clothing allowance

in the amount of \$150 shall be provided to each child eligible under this program in September 2000; provided further, that said children's clothing allowance shall be included in the standard of need for the month of September, 2000; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for supplemental transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding the provisions of section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for supplemental transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that said department shall provide oral and written notification to all recipients of their child care benefits on a semiannual basis; provided further, that said notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that said notification

shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that said department shall submit said notification to the house and senate committees on and ways and means not later than October 1, 2000 and shall commence oral and written notification to all recipients not later than December 1, 2000; provided further, that said notice shall further advise recipients of the availability of food stamps benefits; provided further, that in promulgating, amending, or rescinding its regulations with respect to eligibility for, or levels of, benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; and provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both to the program, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, such proposed changes . . . . . \$5,740,772

4403-2013 The department may expend an amount not to exceed \$22,824,844, in accordance with the provisions of items 4403-2000 of section 2, accrued from child support payments collected pursuant to Title IV-D of the Social Security Act, for the purposes of the program of transitional aid to families with dependent children . . . . . \$22,824,844

4403-2110 For expenses of the emergency assistance program directly attributable to rent liability; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for rent arrearage benefits but for their income, shall be eligible for rent arrearage benefits; provided further, that no funds shall be expended for heat or utility arrearages, so-called; provided further, that the department may provide limited related services in the event of a disaster as defined by regulations promulgated by the department; provided further, that said services shall be de-



financed as payments for advance rent, security deposits, sheltering, housing search, food, clothing and housing supplies; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding the provisions of any general or special law or this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that the department shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program in items 4403-2110 and 4403-2120 of section 2; provided further, that said rules and regulations shall include, but not be limited to, a year-to-year cross-check of recipients to determine if a person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department is hereby authorized and directed to place said person on a protective payment schedule for the entire period during which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year 2001; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department or section 210 of chapter 43

of the acts of 1997; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item; and provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized herein . . . . . \$11,992,996

Transitional Aid to Needy Families Fund . . . 80.0%

General Fund . . . . . 20.0%

4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program; provided, that not more than \$800,000 shall be expended for the teen living program waitlist, so-called; and provided further, that not more than \$540,000 of said \$800,000 shall be made available for teen victims of domestic violence through the department of social services . . . \$6,224,206

4403-2120 For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that families with income under 130 per cent of the federal poverty level, that would otherwise be eligible for family shelter emergency assistance benefits but for their income, shall be eligible for family shelter benefits; provided further, that no funds may be expended for heat or utility arrearages, so-called; provided further, that the department shall not expend more for the hotel and motel emergency assistance program in fiscal year 2001 than was expended in fiscal year 2000; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under said program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department is authorized to enter into an interagency service agreement in an amount not to exceed

\$4,764,992 with the department of housing and community development for a program to prevent homelessness; provided further, that the department shall promulgate regulations to prevent abuse in the emergency assistance program in items 4403-2110 and in this item of section 2; provided further, that said rules and regulations shall include but not be limited to a year-to-year cross-check of recipients to determine if a person has received similar benefits in the previous 36 months; provided further, that if a person has utilized emergency assistance benefits more than once within 36 months, the department is hereby authorized and directed to place said person on a protective payment schedule for the entire period during which said person is receiving said benefits; provided further, that no advance payments shall be paid in fiscal year 2001; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that in fiscal year 2001 said department shall make available to homeless families at least 20 new non-hotel/motel shelter units; provided further, that said additional units shall be geographically situated to maximize the number of families that can be sheltered within 20 miles of their homes communities; provided further, that an eligible household shall be sheltered within 20 miles of its home community, unless such household requests otherwise; provided further, that if no such shelter placement is available within 20 miles because of lack of vacancies, the household size or composition of such a homeless family, or the concerns of the department regarding the performance and administration of a particular shelter, said household shall be placed in the closest possible appropriate shelter beyond said 20 miles; provided further, that said household shall be transferred to an appropriate shelter within 20 miles of its community at the earliest possible date, unless the household requests otherwise; provided further, that placements made beyond the 20 mile limit shall be reported on a quarterly basis to the secretary of administration and finance, the joint committee on human services and elderly affairs, and the house and senate committees on ways and

means; provided further, that \$49,999 shall be expended for self-esteem Boston, so-called; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized by this item; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States and shall not be provided to illegal or undocumented aliens; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representative and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by the department; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item . . . . . \$41,997,511

General Fund . . . . . 62.0%

Transitional Aid to Needy Families Fund . . . 38.0%

4404-1000 For a program of nutritional assistance to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called, and non-citizens otherwise permanently residing under color of law in the United States; provided, that such a resident shall be eligible for such benefits only if such resident (1) is ineligible for federal food stamp benefits pursuant to the provisions of sections 401, 402 or 403 of such Act, (2) would be eligible for federally funded food stamps, but for his citizenship status, and (3) has resided in the commonwealth for at least 60 days; provided further, that priority in



the distribution of such benefits shall be given to persons who were receiving federally funded food stamps in fiscal year 1997 but were rendered ineligible for such benefits by operation of said sections 401, 402 or 403; provided further, that the benefit levels established for such program shall, to the extent feasible, replicate the equivalent levels in effect for the federal food stamp program as of June 30, 1997, but shall be reduced by a consistent percentage across all benefit levels to the extent necessary not to exceed the amounts appropriated herein; provided further, that such benefits may be distributed by electronic benefit transfer to the extent such distribution does not jeopardize otherwise available federal funding or impede the effective distribution of such benefits; provided further, that not more than \$500,000 shall be expended on a food stamps outreach program; provided further, that the department shall provide, to the extent allowable under federal law, food stamps benefits not later than seven days after the date of application to any household in which all members are homeless individuals and that meet the income and resource criteria for federally funded coupons; provided further, that said department shall report to the house and senate committees on ways and means not later than November 1, 2000 on the costs of expanding benefits for said item in accordance with the new regulations issued by the United States department of agriculture for fiscal year 2001; and provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services, other than to the extent that such rights or entitlements exist pursuant to the regulations promulgated by said department consistent with this item . . . . . \$7,753,772

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the division of medical assistance, is hereby authorized

to fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified pursuant to chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and said division; provided further, that said optional category of payments shall only be administered in conjunction with the medicaid group adult foster care benefit; and provided further, that the expenses of a program to assist recipients of the program of emergency aid to the elderly, disabled and children in becoming eligible for said supplemental security income program may be paid from this item . . . . . \$198,866,409

4406-3000 For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; provided further, that the department shall notify the house and senate committees on ways and means of all such allocations; provided further, that \$1,047,295 shall be expended for the health care for the homeless programs in Boston, Worcester and Springfield, including not less than \$592,325 for the Boston health care for the homeless program; provided further, that not less than \$50,820 shall be expended for the provision of health services to the homeless and uninsured by primary care and mental health, inc., located in the city of Lynn; provided further, that not less than \$275,776 shall be expended for our fathers house in Fitchburg; provided further, that not less than \$2,284,698 shall be expended for the Massachusetts housing and shelter alliance; provided further, that not less than \$731,448 shall be expended for the Middlesex shelter in Lowell; provided further, that not less than \$505,832 shall be expended for the Middlesex human service agency in the city of Waltham; provided further, that not less than \$433,620 shall be expended for the Boston rescue mission; provided further, that not less than \$310,458 shall be expended for the market ministries shelter in New Bedford; provided further, that not less than \$13,129,079 shall be expended for

a contract with the Pine street inn located in the city of Boston; provided further, that \$200,000 shall be expended for a contract with the Pine street inn in the city of Boston for the purposes of a second nighttime van and the associated personnel costs; provided further, that not less than \$1,307,864 shall be expended for a contract with Saint Francis house for a comprehensive multi-service day treatment program for the homeless in the city of Boston; provided further, that not less than a total of \$5,967,379 shall be expended for the PIP shelter in Worcester, the daybreak shelter in Lawrence, the Long Island shelter in Boston, and the Long Island annex in Boston; provided further, that not less than \$276,593 shall be expended for the friends of the homeless shelter in Springfield; provided further, that \$555,630 shall be expended for the Cambridge salvation army; provided further, that not less than \$389,019 from this item shall be expended for a contract with servicenet, Inc. to operate homeless shelters in Hampshire and Franklin counties; provided further, that notwithstanding the provisions of any general or special law to the contrary, \$184,271 shall be obligated for a contract with the SHADOWS project in Ashland, for the provision of shelter services to homeless women; provided further, that not less than \$690,873 shall be expended for the Quincy interfaith sheltering coalition; provided further, that not less than \$240,900 shall be expended for the samaritan inn homeless shelter in Westfield; provided further, that not less than \$233,117 shall be expended for a shelter operated by emmaus, inc. of Haverhill; provided further, that not less than \$129,361 shall be expended for the Marlborough shelter program, so-called; provided further, that \$150,513 shall be expended for the meadows program, so-called; provided further, that \$301,946 shall be expended for the turning point program, so-called; provided further, that not less than \$208,529 shall be expended for a contract with the Berkshire county chapter of the American red cross; provided further, that not less than \$90,000 shall be expended for a contract with the Mary E. Sargent house to provide transitional housing services to women and children; provided further, that not less than \$220,356 shall

be expended for a contract with the Somerville homeless coalition; provided further, that not less than \$514,524 shall be expended for a contract with the housing assistance corporation in Hyannis; provided further, that not less than \$142,588 shall be expended for the project place day services program in the city of Boston; provided further, that not less than \$42,000 shall be expended for a contract with the Hyannis salvation army; provided further, that not less than \$60,000 shall be expended for a contract with the Saint Francis samaritan house in Taunton; provided further, that not less than \$418,541 shall be expended for a contract with mainspring house in Brockton; provided further, that an additional \$139,821 shall be expended for open pantry community services, Inc. in Springfield; provided further, that not less than \$212,901 shall be expended for shelter, inc.; provided further, that \$1,400,000 shall be expended to create programs with YMCA and YWCA organizations and other providers of housing through contracts with the Massachusetts housing and shelter alliance for not less than 200 transitional units; and provided further, that at least as many shelter spaces as were provided for homeless families and individuals during fiscal year 2000 shall be made available in fiscal year 2001 ..... \$34,940,129

4406-7000 For an individual homeless tracking system; provided, that the department is hereby authorized and directed to develop a system for tracking and reporting on individual persons using homeless shelters; provided further, that said system shall collect information on the age, race, ethnicity, gender, disability status, housing history, educational status, and employability of such homeless persons; provided further, that said system shall track shelter utilization patterns of such persons across state agencies, including the utilization of services provided by the departments of housing and community development, mental health, mental retardation, corrections, veterans services, youth services, social services, public health, and the division of medical assistance; provided further, that said system shall determine the following: the average turnover rate per bed; the number of homeless individuals that have been in shelter for less than six months; the number that have been in shelter for more than six months but less than one year;



	the number that have been in shelter for more than one year but less than three years; and the number that have been in shelter for more than three years; and provided further, that said department shall report quarterly to the house and senate committees on ways and means on the time-line for implementing said tracking and reporting system . . . . .	\$200,000
4408-1000 For	a program of cash assistance to certain residents of the commonwealth pursuant to chapter 117A of the General Laws, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid, pursuant to regulations promulgated by said department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified aliens, so-called, or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that a \$35 rent allowance, to the extent possible within the amount of this appropriation, shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support him or herself and which have been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, to otherwise eligible students under age 21 who are regularly attending a full time grade, high school, technical or vocational school not beyond the secondary level and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program	

created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under said separate program; provided further, that no ex-offender, person over age 45 without a prior work history or person in a residential treatment facility shall be eligible for benefits under this program unless said person otherwise meets the eligibility criteria described herein and defined by regulations of the department; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under said program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department may promulgate emergency regulations pursuant to chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and means for the preceding month on the number of persons applying for benefits under this program, by category, age and disability, if any, and the number of persons receiving and denied benefits under this

program by category, age and disability, if any; provided further, that reimbursements collected from the social security administration on behalf of former clients of the emergency aid to the elderly, disabled and children program, or unprocessed payments from said program that are returned to the department, not to exceed an amount of \$14,437,383 shall be credited to this account and may be expended without further appropriation for the purposes of this program; provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for said programs, and the department shall not spend funds for said program in excess of the amount made available herein; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting such proposed changes . . . . . \$42,439,856

*Department of Public Health.*

- 4510-0100 For the operation of the department; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; provided further, that \$25,000 shall be expended to provide publications on health care issues in alternative formats for the print disabled, including, but not limited to, braille or large print; and provided further, that funds shall be expended for the weapons-related injury surveillance system . . . . . \$18,320,883
- 4510-0110 For community health center services; provided, that \$225,000 shall be expended for the purpose of a provider loan repayment program at community health centers; provided further, that \$40,000 shall be expended for the Boston family health van; provided further, that the Codman square health center shall receive in fiscal year 2001 no less than the amount obligated for said center in fiscal year 2000; provided further, that not less than \$5,000,000 shall be expended

for the expansion of community health center services for the purpose of funding operating and information systems, public health services in minority communities, access to oral health services and to conduct research regarding populations and health needs served by community health centers; provided further, that of said \$5,000,000 not less than \$100,000 shall be expended for the O'Neill health clinic; provided further, that \$3,101,053 shall be expended for the start-up costs of new oral health clinics; provided further, that priority shall be given to the nine community health centers that the department has identified to be in greatest need of such services; and provided further, that the department shall submit a tentative allocation schedule of said community health center grants to the house and senate committees on ways and means not later than December 1, 2000 ..... \$9,348,035

Tobacco Settlement Fund ..... 86.66%

General Fund ..... 6.69%

Health Protection Fund ..... 6.65%

4510-0150 For the managed care program at community health centers known as CenterCare established pursuant to section 24F of chapter 111 of the General Laws; provided, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding; and provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42 USC 254c(f)(1) ..... \$3,806,262

4510-0600 For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists, and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the "Right-to-



Know" law, so-called; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that the department may expend not more than \$150,000 to conduct a study on brain tumor/cancer, leukemia, non-Hodgkin lymphoma, lung and bronchus, liver and inflammatory bowel disease and Hodgkin disease in the towns of Rockland, Hingham, Weymouth and Abington; provided further, that not more than \$50,000 shall be expended for educational outreach programs in Essex county targeting individuals at risk of infection by Lyme disease; provided further, that not less than \$14,800 shall be allocated to the Franklin Regional Council of Governments for costs associated with the regional public health agent pilot project in Franklin county; provided further, that not less than \$114,000 shall be expended on the implementation of a program to manage the disposal of low-level radioactive waste in accordance with sections 7, 8, 11, 13 and 16 of chapter 111H of the General Laws; provided further, that no funds appropriated herein shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; provided further, that not less than \$100,000 shall be expended for the purposes of research and prevention activities associated with lyme disease, so-called, to be conducted by the Barnstable county department of health and environment; provided further, that up to \$100,000 shall be expended for an environmental risk assessment at the Nyanza superfund site; provided further, that \$300,000 shall be expended for a contract to provide environmental risk assessment of the prevalence lupus and scleroderma in the South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations; provided further, that \$150,000 shall be expended for the purpose of the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the General Lawrence Logan Airport in the East Boston section of the

city of Boston on any community that is located within a five mile radius of said airport and is potentially impacted by said airport; provided further, that said assessment may include, but not be limited to, examining incidences of respiratory diseases and cancers and performing medical and laboratory tests and examinations of residents of said communities; provided further, that the bureau shall report its findings together with any recommended response actions by the commonwealth to the house and senate committees on ways and means not later than December 1, 2000; provided further, that \$140,000 shall be made available for an interdepartmental service agreement between the department of public health and the University of Massachusetts at Lowell to support research activities which investigate the association between ethnic diversity and childhood asthma incidence; and provided further, that the department shall report not later than 30 days after the effective date of this act detailing the purpose, scope and completion date of all environmental health surveys, studies, and risk assessments funded from this item and any other funds available to the department for similar purposes as of said date, or projected to be funded from said item or such other funds in fiscal year 2001 . . . . . \$4,123,667

4510-0615 The department may expend an amount not to exceed \$150,000 from assessments collected in accordance with section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend revenues not to exceed \$1,165,176 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that said revenues may be used for the costs of both programs, including the compensation of employees; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further

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	that the department shall report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee . . . . .	\$1,315,176
4510-0616 For	a drug registration and monitoring program; provided, that the department may expend an amount not to exceed \$557,347 from revenues collected from a fee charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided further, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . .	\$557,347
4510-0617 For	environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of said nuclear power plant; provided, that the cost of said item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; and provided further, that the term electric companies shall not include municipalities or municipal light plants . . . . .	\$91,500
4510-0710 For	the operation of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill,	

hospitals and infirmaries, including the inspection of ambulance services; provided further, that not less than \$369,065 shall be expended for the hiring of additional investigators and ancillary expenditures associated with said investigators; provided further, that said investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation pursuant to section 51 and section 72H of chapter 111 of the General Laws; provided further, that said amount shall not be used for any purpose other than for the salaries of such additional investigators; provided further, that said division shall assign such additional investigators to perform their duties on staggered shifts which shall be established by said division to provide adequate coverage and shall include regular evening and weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when said duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for such investigations shall receive training by the medicaid fraud control unit of the office of the attorney general pursuant to a comprehensive training program to be developed by said division and said unit; provided further, that said division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations pursuant to said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; and (3) made a referral of such report to the appropriate agency or agencies; and provided further, that if in any quarter said division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, said division shall include in said report an explanation as to the reasons therefor; provided further, that said division shall include in such report a list of all instances of the payment of overtime for investigators and



	the justification therefor and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2000; provided further, that \$100,000 shall be expended for the purposes of section 400 of this act; provided further, that up to \$300,000 shall be expended on a confidential nursing home consumer satisfaction survey required by section 405 of this act; and provided further, that the division shall identify critical areas requiring improvement in quality of care for nursing home residents, including but not limited to those identified in said survey, and shall develop and issue best practice guidance for nursing homes and conduct other outreach efforts to address such areas . . . . .	\$7,659,472
4510-0712	The department may expend an amount not to exceed \$497,942 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend an amount not to exceed \$800,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . . . .	\$1,297,942
4510-0720	To establish a scholarship program for certified nurse's aide training; provided, that the department shall establish appropriate guidelines and application criteria for the administration of said program; provided further, that said scholarships shall cover the full cost of tuition to an approved certified nurse's aide training program; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships . . . . .	\$1,000,000
4510-0750	For the determination of need program established pursuant to section 25C of chapter 111 of the General Laws . . . . .	\$146,806

4510-0790 For regional emergency medical services; provided, that \$1,000,000 shall be expended for the project to expand the coordination and provision of emergency medical services in the commonwealth known as EMS 2000, including not less than \$500,000 for grants to the regional emergency services councils for the coordination of emergency response services; provided further, that each such grant shall be \$100,000; provided further, that the regional emergency medical services councils, designated as such in accordance with 105 CMR 170.101 and the C-MED communications as of January 1, 1992, shall remain the designated councils and C-MEDs; and provided further, that not less than \$68,000 shall be made available for region I, not less than \$88,000 shall be made available for region II, not less than \$88,000 shall be made available for region III, not less than \$88,000 shall be made available for region IV, and not less than \$68,000 shall be made available for region V; provided further, that not fewer than three additional inspectors of ambulance services shall be funded from this item; provided further, that the department shall report quarterly on the number of investigations of ambulance services performed by said inspectors and by inspectors funded in items 4510-0710 and 4510-0712 as well as the number of investigations pending at the end of each quarter and the reasons therefor; provided further, that the department, in conjunction with the regional emergency services councils, notwithstanding the provisions of section 27C of chapter 29 of the General Laws to the contrary, shall promulgate regulations to ensure that all basic, intermediate, and paramedic emergency medical technicians are certified to use and have available epinephrine for the emergency treatment of anaphylaxis by no later than January 1, 2001; provided further, that the department shall report to the house and senate committees on ways and means by no later than September 15, 2000 on the implementation of said certifications and availability of epinephrine; and provided further, that the department shall widely disseminate this new requirement to all relevant parties . . . . . \$1,400,000

Local Aid Fund . . . . .	28.57%
Tobacco Settlement Fund . . . . .	71.43%

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4510-0810	For a statewide sexual assault nurse examiner program, for the care of victims of sexual assault; provided, that the program shall be established by the department to operate under specific statewide protocols and by an on-call system of nurse examiners . . . . .	\$900,000
4512-0103	For acquired immune deficiency syndrome prevention and treatment; provided, that not less than \$300,000 shall be expended for the operation of a pilot program to be administered by the Springfield department of health for a comprehensive drug treatment for the prevention of AIDS; provided further, that the department shall develop a plan to coordinate services with community health centers and organizations that provide services related to other sexually transmitted diseases; provided further, that said plan shall be submitted to the house and senate committees on ways and means not later than December 1, 2000; and provided further, that funding for AIDS prevention education in fiscal year 2001, shall not be less than the amount expended on said program in fiscal year 2000 . . . . .	\$51,592,229
	General Fund . . . . .	93.27%
	Health Protection Fund . . . . .	6.73%
4512-0106	The department of public health may expend an amount not to exceed \$1,200,000 from revenues received from pharmaceutical manufacturers participating in the section 340B rebate program, so-called, administered by the federal health resources and services administration and office of drug pricing . . . . .	\$1,200,000
4512-0110	For rental housing subsidies for the purposes of preventing admissions to acute hospitals, chronic hospitals, and nursing homes for persons with acquired immune deficiency syndrome; provided, that the department may contract for the administration of said program; provided further, that the costs of said administrative contract shall not be expended from this item; provided further, that rents payable by tenants shall be not less than 30 per cent of total household income if heat and cooking fuel are provided by the landlord and shall be not less than 25 per cent of total household income if heat and cooking fuel are not provided; provided further, that no funds shall be expended for subsidies for housing units in excess of the number of units	

	funded on June 30, 1991; and provided further, that the department shall not enter into any new housing contracts or expend funds for such new contracts in fiscal year 2001 that would fund units in excess of the number of units funded on June 30, 2000 . . . . .	\$118,800
4512-0200	For the administration of the division of substance abuse services, including a program to reimburse driver alcohol education programs for services provided for court adjudicated indigent clients; provided, that \$1,500,000 shall be expended for additional recovery and transitional support services; provided further, that not less than \$200,000 shall be expended for the New Beginnings Program, so-called, a wellness program for middle school students addressing student substance abuse issues; provided, that not less than \$9,843,259 shall be expended for detoxification services, including not less than \$2,000,000 for detoxification beds targeted to homeless individuals; provided further, that not less than \$500,000 shall be expended for AIDS education for clients served by said program; provided further, that not less than \$615,000 shall be expended for the celeste house; provided further, that not less than \$66,000 shall be expended for the "CASPAR" emergency service center, so-called, in the city of Cambridge; provided further, that not less than \$650,350 shall be expended for a contract with sobriety treatment, education and prevention, inc., doing business as STEP, inc.; provided further, that not less than \$350,000 shall be allocated to provide three pilot child care programs, one family day care system model and two on-site traveling models for the children of parents in ambulatory drug and alcohol treatment; provided further, that not less than \$500,000 shall be expended for the treatment and detoxification of intravenous drug users who test positive for HIV, so-called; provided further, that not less than \$200,000 shall be expended for a residential program to provide alcohol and drug treatment services to Hispanic women in the commonwealth; provided further, that not less than \$90,000 shall be expended for a department of public health certified New Bedford batterer invention program; provided further, that not less than \$250,000 shall be expended for a system of case management and central intake for substance abuse treatment services in the city of Boston; provided further,	



that not less than \$80,000 shall be expended for substance abuse consultant services for the department of social services; provided further, that the commissioner of the department of public health shall enter into an interagency service agreement with the department of social services to provide said consulting services; provided further, that \$240,000 shall be expended for additional detoxification services; provided further, that \$400,000 shall be expended for an acute treatment program for detoxification and stabilization services for civilly committed women; provided further, that not less than \$600,000 shall be expended for the establishment of a new five bed treatment program for detoxification and stabilization services for civilly committed women in central or western Massachusetts; provided further, that any revenue generated from federal reimbursement for this program shall be deposited in the General Fund; provided further, that not less than \$60,000 shall be allocated for bay colony health services, inc.; provided further, that not less than \$30,000 shall be expended for the operation for a women's transitional housing program by Our Father's House in the city of Fitchburg; provided further, that not less than \$2,000,000 shall be allocated to expand the purchase of long-term residential treatment beds operated by agencies contracting with the department of public health as of January 1, 1996; provided further, that not less than \$2,000,000 shall be expended for the purchase of outpatient treatment services to high risk populations in agencies contracted with the department of public health as of January 1, 1996; provided further, that not less than \$60,000 shall be expended for a contract with gavin foundation to provide a total immersion program in conjunction with the probation department of the Quincy division of the district court department of the trial court; provided further, that not less than \$81,000 of said allocation shall be expended for the tyman community center adolescent wellness program in the city of Boston; provided further, that not less than \$120,000 shall be expended for a contract with gavin foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court department of the trial

court and other district courts; provided further, that not less than \$60,000 shall be expended for the Hingham district court for a pilot total immersion program; provided further, that not less than \$50,000 shall be expended for the establishment of a training program for a statewide total immersion program; provided further, that gavin foundation shall be contracted to provide immersion programs stated herein; provided further, that the department shall add through the competitive process two additional so-called half-way houses to the residential programs funded in order to expand the supply of available beds; provided further, that not less than \$60,000 shall be expended for the mcLaughlin house in Charlestown; provided further, that not less than \$200,000 shall be allocated from this item to beacon substance abuse programs for programs including, but not limited to, alcohol, drug and tobacco prevention; provided further, that not less than \$500,000 shall be expended for drug treatment and associated services to children in need of services or CHINS, so-called; provided further, that \$412,000 shall be expended for an adolescent residential facility for substance abuse and rehabilitation services in the South Boston section of the city of Boston; provided further, that not less than \$50,000 shall be expended for middlesex human service agency of Waltham for the outpatient treatment of the working poor and adolescents; provided further, that the department shall study and file a report with the house and senate committees on ways and means on the impact of all specified expenditures within the substance abuse account not later than January 3, 2001; provided further, that services funded from this item shall include residential options, intervention programs, and prevention programs for ex-offenders and youth at risk of homelessness; provided further, that not less than \$325,000 shall be expended for the creation of a residential program to prevent homelessness of young adults 18 to 24 years of age; and provided further that the department shall conduct a study of the public inebriate program in the city of Worcester, for the purpose of relocating said program . . . . . \$45,071,778

General Fund . . . . . 83.23%

Health Protection Fund . . . . . 16.77%

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- 4512-0225 The department of public health is hereby authorized to expend for a compulsive gamblers' treatment program an amount not to exceed \$1,000,000 from unclaimed prize money held in the state lottery fund for more than one year from the date of the drawing when said unclaimed prize money was won, and from the proceeds of a multi-jurisdictional lottery game pursuant to subsection (e) of section 24A of chapter 10 of the General Laws; provided, that the state comptroller is hereby authorized and directed to transfer said amount to the General Fund ..... \$1,000,000
- 4512-0500 For dental health services; provided that \$70,000 shall be expended for a dental health services coordinator who shall be a dental professional with a public health background, and provided further, that the department shall submit to the house and senate committees on ways and means a quarterly report on the number of children served by this dental health services program and the number of children waiting to be served by the program ..... \$1,390,917
- 4512-1300 For the purposes of expanding family planning services; provided, that the funds appropriated herein shall be used solely for promotion, community education and outreach . . . \$1,000,000
- Transitional Aid to Needy Families Fund . . 100.0%
- 4513-1000 For the operation of the division of family health services, including a program of maternal and child health in addition to any federal funds received for this program; provided, that not less than \$200,000 shall be expended for a child health diary entitled Growing Up Healthy/Creciendo Sano, so-called; provided further, that the department of public health shall endeavor to raise matching funds or in-kind contributions from the private sector and federal government agencies; provided further, that 79 per cent of the diaries printed shall be printed in English, 14 per cent shall be printed in Spanish, and 7 per cent shall be printed in Portuguese; provided further, that not less than \$2,371,000 shall be expended for rape prevention and victim services, including not less than \$325,000 for rape crisis centers and not less than \$100,000 to increase the capacity of the state-wide Spanish-language hot-line for sexual abuse; provided further, that not less than \$4,463,000 shall be expended for family planning services and expanded outreach and education provided by agencies certified as comprehensive

family planning agencies; pro-vided further, that not less than \$1,290,063 shall be expended for school and community-based teen health programs; pro-vided further, that not less than \$200,000 shall be provided to the Northeastern university conflict resolution program; provided further, that not less than \$100,000 shall be expend-ed for latinass y ninos to provide a full-time child advocate-parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents and mothers recently reunified with children; provided further, that not less than \$750,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; and provided further, that this allocation shall not be used for sex education . . . . . \$13,646,152

General Fund . . . . . 80.74%

Health Protection Fund . . . . . 19.26%

4513-1001 For certified batterer intervention programs to assist indigent batterers and their families; provided, that referred batterers are required to perform a minimum of 40 hours of community service; provided further, that not less than \$79,200 shall be expended for the north quabbin domestic violence prevention program; and provided further, that \$35,000 shall be expended from this item for the Men's Resource Center of Western Massachusetts . . . . . \$916,419

4513-1002 For women, infants and children's (WIC) nutrition services in addition to funds received under the federal nutrition program; provided, that all new WIC cases, in excess of fiscal year 1991 caseload levels, shall be served in accordance with priority categories one through seven, as defined by the state WIC program; provided further, that within 30 days of the effective date of this act, the department shall report to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; provided further, that the department shall report quarterly to the house and senate committees on ways and means the total number of clients served per month and the total food voucher expenditures per month; and provided further, that not less than \$702,000 shall be obligated for failure to thrive programs . . . . . \$14,087,495

General Fund . . . . . 87.03%

Health Protection Fund . . . . . 12.97%



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4513-1005	For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 24D of chapter 111 of the General Laws; provided, that pursuant to an interagency agreement established with the division of medical assistance, the department of public health shall determine the presumptive eligibility of low-income pregnant women for services available under Title XIX and chapter 118E of the General Laws	\$5,963,118
	General Fund	65.34%
	Health Protection Fund	34.66%
4513-1010	The department of public health is hereby authorized to expend an amount not to exceed \$3,700,050 generated from revenues received from the collection of federal financial participation for early intervention services delivered to medicaid-eligible children by developmental educators and professionals in related disciplines; provided, that nothing herein shall give rise to or shall be construed giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded herein; and provided further, that said revenue may be used to pay for current and prior year claims	\$3,700,050
4513-1012	The department of public health may expend an amount not to exceed \$23,230,000 from revenues received from the federal cost-containment initiatives, including, but not limited to, infant formula rebates and northeast dairy compact reimbursements, for the purpose of increasing the caseload of the WIC program; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system	\$23,230,000
4513-1020	For the early intervention program; provided, that the department shall report quarterly to the house and senate committees on ways and means the total number of units of service purchased and the total expenditures for said units of service paid by the department, the division of medical assistance, and by third party payers for early intervention	

services for the following services categories: home visit, center-based individual, child-focused group, parent-focused group, screening, and assessment; provided further, that the department shall fund not less than 39 full-time equivalent employees for said program; provided further, that the department shall make all reasonable efforts to secure third party and medicaid reimbursements for the services funded herein; provided further, that no claim for reimbursement made on behalf of an uninsured person shall be paid from this item until said program receives notice of a denial of eligibility for the MassHealth program from the division of medical assistance; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the early intervention services funded herein . . . . . \$26,482,605

General Fund . . . . . 75.18%

Health Protection Fund . . . . . 24.82%

4513-1021 For a reserve to provide respite services to families of children enrolled in early intervention programs who have complex care requirements, multiple disabilities and extensive medical and health needs; provided, that priority shall be given to low and moderate income families; and provided further, that no funds shall be expended from this item prior to the approval of a spending plan prepared by the commissioner for submission to the house and senate committees on ways and means . . . . . \$1,000,000

Tobacco Settlement Fund . . . . . 100.0%

4513-1022 For community-based domestic violence prevention programs; provided, that \$710,000 shall be made available for community-based service providers to develop and deliver specialized service to non-English speaking victims of domestic violence; provided further, that \$50,000 shall be made available for domestic violence education and awareness in faith-based and community-based organizations; provided further, that \$120,000 shall be made available for outreach and intervention services to homosexual male victims of domestic violence; provided further, that \$5,000 shall be made available to the Words Not Weapons mentoring pilot project in Saugus; provided further, that not more

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	than \$60,000 shall be expended from this item for the Planned Learning Achievement for Youth program in Amherst in collaboration with the department of education through an interagency service agreement; provided further, that no funds shall be expended for said program prior to the approval of a program plan by the commissioner of public health; and provided further, that \$45,000 be allocated to Portal to Hope to oversee a domestic violence prevention program that includes a "Teens-At-Risk" project, for the communities of Everett, Malden and Medford without the need of approval by the commissioner of public health . . . .	\$990,000
4513-1023 For	the costs associated with the implementation of universal newborn hearing screening, so-called; provided, that the funds appropriated herein shall be expended for the notification of and follow-through with affected families, primary care providers and early intervention programs upon the department's receipt of data indicative of potential hearing disorders in newborns . . . . .	\$100,000
4513-1111 For	an osteoporosis education and prevention program; provided, that the program shall include, but not be limited to: (1) development or identification of educational material to promote public awareness of the cause of osteoporosis, options for prevention, the value of early detection and possible treatments, including their benefits and risks, to be made available to consumers, particularly targeted to high risk groups; (2) development or identification of professional education programs for health care providers; and (3) development and maintenance of a list of current providers of specialized services for the prevention and treatment of osteoporosis . . . . .	\$502,644
	General Fund . . . . .	64.61%
	Health Protection Fund . . . . .	35.39%
4513-1112 For	a prostate cancer screening, education and treatment program; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment; and provided further, that said research shall pay particular focus on the high rate of prostate cancer for African American males . . . . .	\$3,200,000
	General Fund . . . . .	93.75%
	Tobacco Settlement Fund . . . . .	6.25%

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4513-1113	For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening said disease and cancer registry reporting; provided, that no expenditures shall be made from this item for the cost of personnel .....	\$247,000
4513-1114	For a program to mitigate the effects of hepatitis C; provided, that \$1,500,000 shall be expended for screening, information, education and treatment programs; provided further, that \$500,000 shall be expended for research grants; provided further, that funds from this item shall be expended to increase public awareness and provide health care provider information; and provided further, that funds herein shall supplement, and not supplant, funding for such purposes in item 4580-1000 .....	\$2,750,000
	Tobacco Settlement Fund .....	100.0%
4513-1115	For a multiple sclerosis screening, information, education and treatment program .....	\$500,000
	Tobacco Settlement Fund .....	100.0%
4513-1116	For a program for renal disease; provided, that the funding in this item shall be appropriated for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; and provided further, that this program shall be administered through the national kidney foundation of Massachusetts, Rhode Island and Vermont .....	\$30,000
	Tobacco Settlement Fund .....	100.0%
4513-1117	For an organ transplant education and outreach program; provided, that the department shall collaborate with the registry of motor vehicles for the development of a public awareness campaign .....	\$260,000
	Tobacco Settlement Fund .....	100.0%
4513-1119	For the development of a cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery, provided, that the department may enter into a contract with a nationally recognized data management organization to develop and implement said program .....	\$300,000
4516-0263	The department of public health may expend an amount not to exceed \$1,491,830 in revenues from various blood lead testing fees collected from insurers and individuals, for the	



purpose of conducting such tests; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system ..... \$1,491,830

4516-1000 For the administration of the center for laboratory and communicable disease control, including the division of communicable venereal diseases, the division of tuberculosis control and the state laboratory institute; provided, that the department shall give priority to the analysis of samples used in prosecution of controlled substances offenses; provided further, that not less than \$263,244 shall be expended for the maintenance of the statewide rabies control program coordinated by the department of public health providing assistance to cities, towns and the public, and for the interagency collaboration through the rabies advisory committee, the 24-hour epidemiological and clinical consultation for rabies exposures, the rapid laboratory diagnostic services and for the continuation of the raccoon rabies vaccine field trial on Cape Cod operated through a contract with Tufts University School of Veterinary Medicine in collaboration with the federal Centers for Disease Control and Prevention; provided further, that an additional \$65,000 shall be expended for the Tufts Veterinary School for the continuation of the rabies baiting program, so-called, on Cape Cod; provided further, that funds shall be expended for an eastern encephalitis testing program and for tuberculosis testing and treatment services; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein ..... \$9,636,152

4516-1001 For the purpose of interagency service agreements with the University of Massachusetts medical school for the department's share of the cost of occupancy, including the cost of facility support personnel, for the state laboratory institute; provided, that the University of Massachusetts

	medical school shall prepare and the department shall submit to the house and senate committees on ways and means, no later than September 30, 2000, a report of the interagency service agreement costs incurred by the university in fiscal year 2000 and a detailed schedule of interagency service agreement costs projected to be incurred in fiscal year 2001 . . . . .	\$1,437,109
4516-1003 For	the purchase of equipment for the drug laboratory at the state laboratory institute; provided, that all funds appropriated herein shall be scheduled in the FF or KK subsidiary, so-called; and provided further, that no funds expended from this item shall exceed the amounts available in the drug analysis fund, established pursuant to section 51 of chapter 10 of the General Laws . . . . .	\$100,000
	Drug Analysis Fund . . . . .	100.0%
4518-0100 For	the health statistics program, the operation of a cancer registry and occupational lung disease registry . . . . .	\$1,218,068
	General Fund . . . . .	64.25%
	Health Protection Fund . . . . .	35.75%
4518-0200 The	department is hereby authorized to expend an amount not to exceed \$242,500 generated by fees collected from the following services provided at the registry of vital records and statistics: amendments of vital records, all requests for vital records not issued in person at said registry, and research requests performed by registry staff at said registry; provided, that revenues so collected may be used for all program costs, including the compensation of employees; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . .	\$242,500
4530-9000 For	teenage pregnancy prevention services; provided, that applications for such funds shall be administered through the department upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by the department; provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community	

service plans; provided further, that not less than \$175,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire county; provided further, that \$100,000 shall be expended for teen pregnancy prevention services and associated costs in the town of Orange; provided further, that \$250,000 shall be expended for the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities of Lawrence, North Adams, Pittsfield and the town of Orange; provided further, that of said \$250,000 not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that of said \$250,000 not less than \$80,000 shall be expended for said program in the city of North Adams . . . . . \$5,474,228

General Fund . . . . . 10.0%

Transitional Aid to Needy Families Fund . . . 90.0%

4570-1500 For an early breast cancer detection program, mammographies for the uninsured, breast cancer research and a breast cancer detection public awareness program; provided, that not less than \$1,950,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in "areas of unique opportunity"; provided further, that not less than \$3,000,000 shall be expended for a breast cancer research grant program to support innovative research by investigators who are in the formative stages of their careers; provided further, that the department shall name one of said research grants the "Suzanne Sheats Breast Cancer Research Fellowship"; provided further, that said research grants shall be awarded to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training; provided further, that \$500,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer; provided further, that members of any selection review committee for the breast cancer research grant program shall be subject to chapter 268A of the General Laws and shall not participate in the review or recommendation of an application filed by an organization with which they are affiliated; provided further, that such

members may participate in the review and recommendations of applications filed by organizations with which they are not affiliated; provided further, that \$250,000 shall be expended for research grants for experienced researchers, subject to the receipt of matching funds from public or private sources; provided further, that \$1,000,000 shall be expended for the purposes of an early breast cancer detection and education program for uninsured women in identified high-risk communities with increased rates of breast cancer, in order to provide outreach, access, screening and training for early detection and treatment; and provided further, that the department shall submit to the house and senate committees on ways and means a detailed report delineating the amounts allocated to such high risk communities and the specific purposes of such allocation . . . \$9,933,719

General Fund . . . . . 80.0%

Health Protection Fund . . . . . 20.0%

- 4580-1000 For the universal immunization program; provided that an amount not to exceed \$375,000 shall be made available for the provision of hepatitis B vaccine and vaccination series for public employees at risk of occupational exposure to infection; provided, that no funds appropriated herein shall be expended for administrative or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that not less than \$100,000 shall be expended for a hepatitis C program to raise public awareness and provide health care provider education, including dissemination of materials on identification, reporting, and counseling to public health, medical and other health care professionals . . . . . \$16,413,852
- 4580-1001 For purchase and distribution of the pneumococcal conjugate vaccine . . . . . \$9,875,196
- 4580-1230 For medical respite services provided by the Boston health care for the homeless program established pursuant to section 24J of chapter 111 of the General Laws . . . . . \$300,000
- 4590-0250 For expansion of smoking prevention and cessation programs; provided, that \$7,000,000 shall be allocated to local communities for the purpose of enforcing local ordinances, bylaws and regulations relative to tobacco control; provided further, that \$6,700,000 shall be expended from this item for a tobacco cessation program, which may include providing smokers with vouchers to be used for counseling



and cessation products; provided further, that of said \$6,700,000 not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that \$2,500,000 shall be expended from this item for grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; provided further, that \$6,600,000 shall be appropriated from this item to fund increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that of said \$6,600,000 not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education and health awareness programs to be executed by the department; provided further, that not less than \$200,000 shall be obligated for a contract with the women enjoying longer lives program, so-called; and provided further, that not less than \$125,000 shall be expended for an environmental and behavioral study of elevated lung cancer rates where opportunities of other environmental exposures are present . . . . . \$23,500,000

Tobacco Settlement Fund . . . . . 100.0%

4590-0300 For the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992; provided, that priority shall be given to funding programs in communities with high smoking rates among women; provided further, that not less than \$13,806,919 shall be allocated from this item to the department of education for grants to cities, towns and regional school districts for comprehensive health education programs, including education on smoking prevention; provided further, that any funds distributed under this item shall be deposited with the treasurer of any such city, town or regional school district, held in a separate account and expended without further appropriation by the school committee; provided further, that not less than \$5,177,595 shall be expended from this item for a school

health service program, including enhanced school and health centers; provided further, that programs funded in this item shall include an educational component and campaign on smokeless tobacco; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; provided further, that not less than \$1,605,000 shall be expended for tobacco control coalitions; provided further, that not less than \$215,733 shall be expended for a discretionary grant program available to nonprofit organizations operating satellite programs which provide outreach services to teenagers involving substance abuse prevention, health programs and community service in the context of recreation and youth development; provided further, that no funds shall be expended from this item for an interagency service agreement with the department of revenue; provided further, that no funds appropriated herein shall be expended for administrative, space leasing or energy expenses of the department; and provided further, that not less than \$200,000 shall be allocated from this item to the Berkshire County Area Health Education Center, Inc. for programs including but not limited to alcohol, drug and tobacco prevention; provided further, that not less than \$50,000 shall be allocated for the smoking cessation program at North Adams Regional Hospital; provided further, that not less than \$50,000 shall be allocated for the Project Reach Out smoking cessation program at the Boys and Girls Club of Metro West . . . . . \$50,511,265

Health Protection Fund . . . . . 100.0%

4590-0450 For school based health centers partially funded in item 4590-0300; provided, that programs funded in this item shall include an educational component and campaign on smokeless tobacco and smoking cessation; provided further, that the department of public health and the department of education shall jointly establish standards and criteria for said school health service programs; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be

	credited to Tobacco Settlement Fund, as established pursuant to section 2xx of chapter 29 of the General Laws . . .	\$4,500,000
	Tobacco Settlement Fund . . . . .	100.0%
4590-0451	For a school health services program partially funded in item 4590-0300; provided, that said services shall meet standards and eligibility guidelines established by the department of public health in consultation with the department of education; provided further, that funds shall be expended from this item for said services in public and non-public schools; provided further, that services shall include but not be limited to: (1) strengthening the infrastructure of school health services in the area's of personnel and policy development, programming, and interdisciplinary collaboration; (2) developing linkages between school health services programs and community health providers, and (3) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and provided further, that notwithstanding the provisions of section 72 of chapter 44 of the General Laws, any federal reimbursement collected as a result of the purposes described in this item shall be credited to the Tobacco Settlement Fund, as established pursuant section 2xx of chapter 29 of the General Laws; and provided further, that the department shall report to the house and senate committees on ways and means by not later than October 1, 2000 on the feasibility of including an oral health component to the school health services program, including additional grant money to be awarded to those school districts whose program includes an oral health component . . . . .	\$16,125,000
	Tobacco Settlement Fund . . . . .	100.0%
4590-0904	For the one-time start up costs of establishing the Lowell Dental Clinic . . . . .	\$138,000
	Tobacco Settlement Fund . . . . .	100.0%
4590-0906	For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the department shall pre-screen enrollees and applicants for medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said program receives notice of a denial of	

eligibility for the MassHealth program from the division of medical assistance; provided further, that the MassHealth benefit request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the department shall maximize federal reimbursement for state expenditure made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the department shall negotiate with the vendor of said program to ensure that rates paid for the administration of the program do not exceed such rates as are necessary to meet only those costs which must be incurred for an economically and efficiently operated program; provided further, that \$200,000 shall be expended for the state mini-grant program, so-called; provided further, that the department shall report to the house and senate committees on ways and means and the executive office of administration and finance, not later than January 4, 2001 the quarterly expenditure of said mini-grants, including a detail of recipients and amounts received, uses of said funds and a cost-based analysis of effectiveness and impact of said mini-grants on increasing enrollments and promoting awareness of said program; provided further, that the department shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 24G of chapter 111 of the General Laws; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the department to be ineligible for MassHealth benefits provided by the division of medical assistance; and provided further, that the commissioner of the department of public health shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 24G of said chapter 111 have been paid by all enrollees for whom said premiums are applicable ..... \$14,760,797

General Fund .....	76.62%
Childrens' & Seniors' Health Care .....	
Assistance Fund .....	23.38%



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4590-0908	For the maintenance and operations of the hospital bureau, including the consolidated pharmacy unit, so-called; provided, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein . . . . .	\$5,894,092
4590-0909	For the maintenance and operations of the Tewksbury state hospital; provided, that all revenue generated by said hospital shall be credited to the General Fund; provided further, that said hospital shall not be used to house county, state or other prisoners; provided further, that the department shall take no action to reduce or realign the client population and services at the Tewksbury state hospital unless such action results in alternative service delivery in an appropriate and cost-effective method of care; provided further, that staffing configurations at said hospital shall be consistent with said client population and service realignment; provided further, that not less than \$25,000 shall be expended for an adult day service program; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that not less than \$30,000 shall be paid for chaplain services at Tewksbury state hospital . . . . .	\$40,450,736
4590-0910	For the maintenance and operation of the Massachusetts hospital school; provided, that all revenue generated by said school shall be credited to the General Fund; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein . . . . .	\$13,099,516
4590-0911	For the maintenance and operation of the Lemuel Shattuck hospital; provided, that all revenue generated by said hospital shall be credited to the General Fund; provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein; and provided further, that reimbursements received for medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities	

	not managed by private health care vendors shall be credited to item 4590-0903 of section 2B .....	\$45,391,342
4590-0912 The	department is hereby authorized to expend an amount not to exceed \$12,388,701 from reimbursements collected for western Massachusetts hospital services, subject to the approval of the commissioner of public health; provided, that such revenues may be expended for the purpose of hospital related costs, including personnel, capital expenditures, DD subsidiary chargebacks, so-called and motor vehicle replacement; provided further, that all revenues expended shall be pursuant to schedules submitted to the secretary of administration and finance and the house and senate committees on ways and means; provided further, that notwithstanding the provisions of any general or special law to the contrary, the western Massachusetts hospital shall be eligible to receive and retain full reimbursement from the medical assistance program of the division of medical assistance; provided further, that notwithstanding the provisions of any general or special law to the contrary, said western Massachusetts hospital shall reimburse the General Fund for a portion of employee benefit expenses, according to a schedule submitted by the commissioner of public health and approved by the secretary of administration and finance; provided further, that such reimbursement shall not exceed 10 per cent of total personnel costs for said hospital; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that no funds appropriated herein shall be expended for administrative, space or energy expenses of the department not directly related to personnel or programs funded herein .....	\$12,388,701
4590-0913 For	the department of public health Lemuel Shattuck hospital, for the purposes of funding expenses for services provided to inmates of county correctional facilities which have privatized medical care; provided, that said department may expend an amount not to exceed \$500,000 in revenues col-	

lected from the private medical vendors; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$500,000

4590-0916 For the operational and medical equipment needs and routine facility repairs and improvements of the four public health hospitals funded in items 4590-0909, 4590-0910, 4590-0911, and 4590-0912; provided that all funds appropriated herein shall be scheduled and expended in the KK and NN subsidiaries, so called; provided further, that capital funds previously budgeted for the purposes of capital asset maintenance and repairs shall continue to be used for such purposes and that the amounts appropriated herein shall not replace or supplant said budgeted amounts; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall delegate project control and supervision to such department over projects funded from this item; and provided further, that amounts allocated to projects in excess of \$500,000 shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2002 . . . . . \$2,204,579

*Department of Social Services.*

*Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall report monthly to the house and senate committees on ways and means and the secretary of administration and finance the following: (i) the current social worker caseloads by type of case and level of social worker assigned to cases; (ii) the amount expended on permanency services; provided, that said report shall include the total number of children with the goal of adoption and guardianship by region, the number of new cases with the goal of adoption and guardianship by region and the number of adoptions finalized by region; (iii) the amount expended on group care services; provided, that said report shall detail separately, monthly expenditures and number of children served in commonworks, so-called, authorized, and contracted group care placements; (iv) the amount expended for purchased services from item 4800-0018 of this act; provided, that said report shall detail monthly expenditures, number of families served, and average cost per individual or family by category of purchased service so provided; (v) caseload ratio of each individual social worker with a caseload ratio in excess of the contractual ratio of 18 to 1,*

*the office in which they work, the total number of said social workers by region and the total expenditures related to said cases.*

*Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance the amount expended on women-at-risk services; provided, that said report shall include the number of service units by category, utilization by category, and cost by category.*

*Notwithstanding the provisions of any general or special law to the contrary, the department of social services shall not authorize purchased social services at a level that will cause expenditures to exceed appropriations; provided, that social services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year.*

4800-0014 For the costs of revenue management contracted services; provided, that the costs of said contracts shall be funded entirely from this item and from no other source . . . . . \$3,400,000

4800-0015 For central and area office administration; provided, that the associated expenses of employees whose AA subsidiary costs, so-called, are paid from item 4800-1100 shall be paid from this item; provided further, that no funds shall be expended from this item for the compensation of unit eight employees, so-called; provided further, that the department shall maintain a sufficient number of registered nurses to provide medical case management for medically involved children in foster care; provided further, that an area office shall be maintained in the Beverly area; provided further, that the department shall not place a child or adolescent referred by or discharged from the care of the department of mental health until said latter department forwards an assessment and recommendation as to whether the child or adolescent may be appropriately placed in foster care or, if due to severe emotional disturbance, is more appropriate for group care; provided further, that the department, in consultation with the department of mental health, shall establish guidelines to assist said latter department in making such assessments and recommendations; provided further, that not more than \$100,000 shall be expended from this item for the costs of attaining licensure as a licensed social worker associate for those social workers whose date of employment is prior to July 1, 1997 and who are not licensed by the board of registration of social workers; pro-



vided further, that said expenditures shall only be made pursuant to section 564 of chapter 151 of the acts of 1996, to the extent that the provisions of said section do not violate existing collective bargaining agreements; provided further, that no funds shall be expended for the costs of attaining said licensure prior to submission of the staffing plan, so-called, required by said section 564 of said chapter 151; provided further, that social workers who have received financial assistance from the department for obtaining said license must remain with the department for such reasonable minimum duration as established by the department or refund part or all of said financial assistance; provided further, that said costs of attaining licensure shall be funded solely from this item; and provided further, that unless otherwise authorized, all funds including federal reimbursements received by the department shall be credited to the General Fund . . . . . \$64,948,875

General Fund . . . . .	89.30%
Social Services Fund . . . . .	10.70%

4800-0018 For the family stabilization, unification and reunification programs for non-placement families, families experiencing instability, and families whose children are expected to return home following placement, including, but not limited to, shelter services, substance abuse treatment, respite care, family reunification networks, and not less than \$2,613,654 for school and community-based young parent programs, parent aides, and education and counseling services; provided, that the department shall pursue the establishment of public/private partnership agreements for family stabilization services funded from sources other than the commonwealth; provided further, that not less than \$1,500,000 shall be expended for intensive and expanded parent aid and other support services for families requiring such services for family preservation due to acute conditions; provided further, that the department shall pursue the establishment of public/private partnership agreements for family unification and reunification services funded from sources other than the commonwealth; provided further, that not less than \$250,000 shall be expended for a contract for an integrated family services team in region 6; provided further, that not less than \$298,000 shall be expended for alternative schools

for students aged 14 to 16, inclusive, who are placed before the court on children in need of services petitions in region 6; provided further, that not less than \$130,000 shall be expended for the children's cove cape and islands child advocacy center; provided further, that \$50,000 shall be expended for the purpose of providing case management services for the amity transitional housing program, so-called, in the city of Lynn; provided further, that the department shall expend \$160,000 for latinas y ninos and casa esparanza, to implement a family stabilization and reunification program; provided further, that not less than \$150,000 shall be expended for a contract with Julie's family learning program in South Boston; provided further, that not less than \$104,123 shall be expended for the school age parenting project at Framingham high school; provided further, that not more than \$35,000 shall be expended by the Framingham office of the department of social services for the metrowest campership program operated by the Ashland youth advisory board in partnership with said department; provided further, that not less than \$15,000 shall be expended for a contract with child and family services of Cape Cod for the court diversion program; provided further, that not less than \$30,000 shall be expended for a contract with big brothers and sisters of Cape Cod and the Islands; provided further, that the department shall expend a sum of not more than \$48,000 in region 1 for a community-based family unification counseling program to prevent juvenile delinquency; provided further, that not more than \$222,605 shall be expended for a contract with the Family Support Center to prevent child abuse and neglect in the Merrimack Valley; provided further, that not more than \$150,000 shall be expended for a contract with Circles for Change; provided further, that not more than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for expansion of a year-round school based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high risk for school drop out; provided further, that the department shall reevaluate services provided from this item in order to maximize compliance with chapter 3 of the acts of 1999 and chapter 6 of the acts of 1999; provided further,

that the department shall submit a report to the house and senate ways and means committees detailing the results of said reevaluation no later than February 1, 2001; and provided further, that not less than \$200,000 shall be provided to establish the family center component of the Greater Lowell family Resource Center . . . . . \$38,047,899

4800-0025 For foster care review services . . . . . \$2,269,147

4800-0031 For permanency, adoption and foster care services, including foster care, adoption and guardianship subsidies, services to foster families and reimbursements to foster parents for extraordinary expenses incurred, including, but not limited to, the tiered reimbursements, so-called, used to promote the placement of children with special medical and social needs who would otherwise be placed in structured group care facilities; provided, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; provided further, that the department shall assess all children in its care for longer than 12 months for the appropriateness of adoption; provided further, that the department shall maintain a central registry and tracking system to monitor the progress of such children in the adoption process; provided further, that the department may contract with community-based agencies for the purpose of providing adoption and special needs adoption services; provided further, that the department shall establish a schedule of fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether a placement is voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that not less than \$6,508,822 shall be expended for a care and maintenance enrichment subsidy, so-called, of not more than \$100 per child per year, and for increasing the clothing subsidy, so-called, for foster care, adoption and guardianship; provided further, that for fiscal year 2001, the clothing subsidy for each child shall be equal to twice the amount expended for such purposes in fiscal year 2000; provided further, that the foster care daily rate paid for subsidies in fiscal year 2001 shall be equal to

the daily rate paid in fiscal year 2000, except those rate increases made pursuant to the tiered reimbursement system, so-called, established pursuant to section 566 of chapter 151 of the acts of 1996; provided further, that not more than \$8,000,000 shall be obligated to continue a tiered reimbursement system for foster care pursuant to said section 566 of said chapter 151; provided further, that the department shall expend not less than \$3,200,000 for the purchase of special needs adoption contracts located at community-based agencies; provided further, that \$648,000 shall be expended for a contract with Massachusetts Families for Kids; provided further, that said organization shall be self-sufficient by not later than June 30, 2001; and provided further, that if sufficient funds are available in this item the department may expand the existing permanency mediation pilot project, currently serving the counties of Berkshire, Hampden and Essex, to also serve the counties of Hampshire, Franklin, Barnstable and Middlesex . . . . . \$174,957,294

General Fund . . . . . 95.0%

Social Services Program Fund . . . . . 5.0%

4800-0036 For a sexual abuse intervention network (SAIN) program to be administered in conjunction with the district attorneys; provided, that each district attorney shall receive not less than the amount it received in fiscal year 2000 for the sexual abuse intervention program . . . . . \$734,201

4800-0041 For group care services; provided, that the department shall establish a schedule of fees for services which shall vary with the ability of the recipient's legal family to pay; provided further, that said fees shall be imposed regardless of whether the placement is voluntary or results from an order of a court of competent jurisdiction; provided further, that no fees shall be charged to individuals and families with incomes at or below 150 per cent of the federal poverty level; provided further, that not less than \$1,147,673 shall be expended to increase the clothing subsidy rate for each child in group care; provided further, that for fiscal year 2001 the clothing subsidy for each child in group care shall be equal to twice the amount expended for such purposes in fiscal year 2000; provided further, that not more than \$5,591,684 shall be obligated for the operation of latency-aged bridge homes, so-called, in each region; provided fur-



	ther, that not more than \$3,097,273 shall be spent on adolescent bridge homes, so-called; provided further, that said latency-aged and adolescent bridge homes shall provide extended diagnostic services not to exceed 90 days for any child or adolescent and shall be geographically distributed to allow children and adolescents in said placements to attend their pre-placement public school whenever possible; provided further, that said bridge homes shall be funded solely from this item; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for these purposes shall be credited to the General Fund; and provided further, that the department shall pursue the establishment of a managed care network for the commonworks program	\$145,761,092
	General Fund	82.47%
	Social Services Program Fund	17.53%
4800-0044	For the Assessment for Safe and Appropriate Placement Program for sexually aggressive children before their placement into foster care; provided, that \$380,000 shall be expended for placements in staff secured residential care; provided further, that \$200,000 shall be expended for placements in specialized group homes; provided further, that \$140,000 shall be expended for placements in specialized foster care; provided further, that \$80,000 shall be expended for specialized treatment groups; and provided further, that \$50,000 shall be expended for one full-time administrative assistant, one half-time researcher and associated costs	\$850,000
4800-0050	For the operation of the New Chardon street home for women located in the city of Boston	\$786,523
4800-0151	For a program to provide alternative overnight non-secure placements for status offenders and nonviolent delinquent youth up to the age of 17 in order to prevent the inappropriate use of juvenile cells in police stations for such offenders, in compliance with the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended; provided, that the programs which provide such alternative nonsecure placement shall collaborate with the county sheriff's office to provide referrals of said offenders and delinquent youth to any programs within the sheriff's office designed to positively influence youth or reduce, if not altogether eliminate, juvenile crime	\$777,908

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4800-1100	For the AA subsidiary costs, so-called, of the department's social workers; provided, that funds shall be directed toward mitigating social worker caseloads in those area offices furthest above the statewide weighted caseload standard and toward achieving a social worker caseload ratio of 18 to 1 statewide; provided further, that only employees of bargaining unit eight, so-called, as identified in the Massachusetts personnel administrative reporting and information system, so-called, shall be paid from this item; provided further, that the department shall provide the house and senate committees on ways and means with a cost analysis for attaining the caseworker caseload ratios recommended by the governor's special commission on foster care; provided further, that said report shall be filed with said committees not later than September 1, 2000; and provided further, that any other payroll or administrative expenses associated with the management or support of said employees shall be paid from item 4800-0015 . . . . .	\$97,753,626
	General Fund . . . . .	95.0%
	Social Services Program Fund . . . . .	5.0%
4800-1200	For partnership agencies to provide protective services; provided, that the funds appropriated herein may be expended on contracts serving minority and mentally retarded or handicapped clients; and provided further, that all expenditures from this item shall be made from the MM subsidiary, so-called . . . . .	\$3,066,971
4800-1400	For women-at-risk shelters and services, including supervised visitation programs; provided, that the department shall pursue the establishment of public/private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further, that not less than \$416,850 shall be expended for a contract with the YWCA battered women's shelter in Springfield; provided further, that not less than \$450,000 shall be expended for visitation centers receiving funds from this item in fiscal year 1998; provided further, that \$442,500 shall be expended for the establishment of additional visitation centers; provided further, that more than one visitation center may be funded in Middlesex county; provided further, that not less than \$10,000 shall be	

expended for the Melrose alliance against violence; provided further, that not less than \$50,000 shall be expended for children's supervised visitations, of Framingham; provided further, that not less than \$65,205 shall be expended for the north quabbin domestic violence prevention program; provided further, that not less than \$95,000 shall be expended for a contract with Sylvia's haven at Devens to provide transitional housing to pregnant and parenting women and girls; provided further, that not less than \$630,000 shall be used to enhance services at domestic violence shelters and counseling sites for children who have witnessed domestic violence; provided further, that \$110,700 shall be expended for the New England learning center for women in transition; provided further, that not more than \$270,000 shall be expended for the purposes of improving the ability of the department to identify those victims of domestic violence who may be in need of emergency service from said department; provided further, that \$550,000 shall be expended for existing residential transitional living programs and the development of new programs; provided further, that, not more than \$75,000 shall be obligated to the Cape Cod Center for women to maintain the confidential, battered women's support center and shelter; provided further, that \$350,000 shall be expended for domestic violence shelters for women with substance abuse treatment needs; provided further, that \$245,000 shall be expended for transitional housing for historically underserved battered women; provided further, that a sum of not less than \$50,000 be expended for the on the rise shelter for homeless women in Cambridge; provided further, that not less than \$860,000 shall be expended for increased shelter and services for currently underserved domestic violence victims; and provided further, that \$350,000 shall be expended for a statewide domestic violence hotline ..... \$16,782,094

    Social Services Program Fund ..... 97.12%

    General Fund ..... 2.88%

4800-1500 For domestic violence prevention specialists in the department's area offices; provided, that expenditures from this item shall not exceed the amount appropriated herein ..... \$603,056

4800-1997 For a reserve to improve the quality of services provided by the department to children in the care of the commonwealth, including, but not limited to, an enhanced program for recruiting and retaining foster families, and the coordination of services provided by the department and the departments of public health, education, transitional assistance, mental health and mental retardation, and the juvenile courts; provided, that not more than \$1,294,428 shall be obligated for the costs of consolidated foster care and adoption recruitment units to allow for targeted recruitment, including the need for cultural and ethnic diversity; provided further, that such units shall recruit, screen, license, and provide Massachusetts approaches to partnership in parenting training for all foster and pre-adoptive families; provided further, that not more than \$250,000 shall be expended for foster care parenting and adoption recruitment campaign; provided further, that the commissioner is directed to provide quarterly reports to the joint committee on health and human services and elderly affairs and to the house and senate committees on ways and means detailing the total number of additional foster care placements made during fiscal year 2001 as a result of enhanced recruitment activities; provided further, that said report shall include a separate section detailing the number of additional placements for children with special medical, psychological or social needs that have resulted from said initiatives, and any reduction in group care placements for children with such needs that have resulted from these initiatives; provided further, that the department is authorized and directed to work with law enforcement authorities including the attorney general and district attorneys to identify any need for additional legal staffing to eliminate any such backlog of adoption and care and protection cases and shall develop a plan to eliminate any such backlog through the use of contracted or temporary legal services; provided further, that not more than \$275,000 shall be obligated for an enhanced training program for social workers and investigators, so-called; provided further, that not less than \$668,451 shall be obligated for child care and respite care services for foster families; provided further, that not less than \$1,260,453 shall be expended for post-adoption ser-



vices, so-called; provided further, that an additional \$300,000 shall be expended for support services for foster, kinship and adoptive families provided by the kid's net program, so-called, of the Massachusetts society for the prevention of cruelty to children; provided further, that \$250,000 shall be expended for the purposes of juvenile firesetter programs; and provided further, that no funds shall be transferred from this item to other items for purposes other than those listed herein ..... \$4,409,150

*Department of Mental Health.*

- 5011-0100 For the operation of the department; provided, that the department shall not refer or discharge a child or adolescent to the custody or care of the department of social services until the department of mental health forwards its assessment and recommendation as to whether said child or adolescent is appropriate for foster care, or if due to severe emotional disturbance, is more appropriate for group care .. \$35,892,669
- 5011-0250 For a comprehensive statewide tobacco cessation and wellness program ..... \$900,000
  - Tobacco Settlement Fund ..... 100.0%
- 5011-0300 For the costs of pharmaceutical administration certification of direct care employees of private human services providers under contract with the department; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner, for additional temporary staffing to ensure all direct care employees attend said certification training ..... \$538,675
- 5042-5000 For child and adolescent services; provided, that not less than \$69,408 shall be expended on the Franklin community action corporation in Greenfield for a youth and adolescent services program; provided further, that not less than \$25,000 shall be expended for the purposes of sending children to existing summer programs funded through the department's camperships, so-called; provided further, that not less than \$114,000 be expended for the Adolescent Support Program in the Pittsfield Public Schools; provided further, that not less than \$189,000 shall be expended for the purposes of providing educational services in institutional settings; and provided further, that not less than \$1,800,000 shall be expended from this item in fiscal year

2001 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of such services .....	\$55,867,543
General Fund .....	96.78%
Tobacco Settlement Fund .....	3.22%

5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0000 of section 2, to this item, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving care at department facilities; provided further, that \$75,000 shall be expended for comprehensive vocational rehabilitation services to be provided to mentally ill adults who are homeless or are at-risk of being homeless; provided further, that said services shall be provided at the multi-service center located in the city of Lynn by a vocational rehabilitation agency specializing in employment issues of mentally ill adults; provided further, that not less than \$394,502 shall be expended for the lighthouse clubhouse program, so-called, in the city of Springfield; provided further, that not less than \$163,000 shall be expended for western Massachusetts community enterprise programs; provided further, that not less than \$43,460 shall be expended for the provision of community-based case management for participants in the tenant-based rental assistance program funded under HUD's Shelter Plus Care Program, administered by Quincy Interfaith Sheltering Coalition in conjunction with the Quincy Housing Authority; provided further, that any allocations from this item for services provided in the metro-Boston area, so-called, shall not cause funding decreases in other areas; provided further, that the Fairwinds clubhouse shall be allocated the same number of full time equivalent staff in fiscal year 2001 as they were in fiscal year 2000 which shall be reflected in their budget allocation; provided further, that the department shall report to the house and senate committees on ways and means on the distribution of funds per adult and child planing population, so-called, and the types of services received in

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	each region for fiscal year 2001 not later than December 1, 2000; and provided further, that not less than \$582,819 shall be expended for the transitions of Boston clubhouse program, so-called, in fiscal year 2001 . . . . .	\$249,588,678
5046-1000 For	rental subsidies to eligible clients; provided, that the department shall establish the amounts of said subsidies so that payment thereof and of any other commitments from this item shall not exceed the amount appropriated herein . . .	\$3,107,550
5046-1100 The	department of mental health shall expend revenues associated with activities designed to increase federal reimbursements in an amount not to exceed \$700,000 from federal reimbursements collected for services rendered by the department; provided, that for the purpose of accommodating discrepancies between the receipt of the retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the amount appropriated herein shall be made available only if the comptroller establishes that the amount of federal reimbursements collected in fiscal year 2001 exceeds the amount of federal reimbursements collected in fiscal year 2000.. . . .	\$700,000
5046-2000 For	homelessness services; provided, that not less than \$200,000 shall be expended for a program by project AIM, so-called, of community enterprises for residents of Berkshire county who have a dual diagnosis of major mental illness and substance abuse, and who have either been homeless or are in jeopardy of becoming homeless; provided further, that \$100,000 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc., located in the city of Lynn; and provided further, that not less than \$90,000 shall be expended for the Lighthouse Job Link Program located in the city of Springfield . . . . .	\$21,944,454
5046-4000 The	department of mental health may expend revenues collected up to a maximum of \$125,000 from occupancy fees charged to the tenants in the creative housing option in community environments, the CHOICE program, so-called, authorized by chapter 167 of the acts of 1987; provided, that all such	

	fees collected shall be expended for the routine maintenance and repair of facilities in the CHOICE program, so-called, including the costs of personnel . . . . .	\$125,000
5046-9999 For	the payment of charges assessed to the department for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001, all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental health, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1 A and 1 B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any other item of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that, no funds shall be scheduled to any subsidiary in this account which is not explicitly provided for herein . . . . .	\$7,854,776
5047-0001 For	emergency service programs and acute inpatient mental health care services; provided, that the department shall	



continue an interagency service agreement with the division of medical assistance for the purchase of said services and for such other services as said agreement may provide, including, but not limited to, acute inpatient care and diversionary services; provided further, that the most recent savings projection from the implementation of said agreement may be expended for community services in the MM subsidiary, so-called, of this item; provided further, that said emergency service programs shall take all reasonable steps to identify and invoice the third party insurer of all persons serviced by said programs; provided further, that the department shall report to the house and senate committees on ways and means not later than November 30, 2000, on the utilization of said emergency programs and acute inpatient beds by clients of the department during each month of fiscal year 2000; provided further, that said report shall detail the number of clients of the department determined to be eligible for the medicaid program during fiscal year 2000; and provided further, that said report shall detail expenditures made by the division of medical assistance on behalf of clients of the department and those uninsured persons not deemed to be clients of said department from the amounts appropriated in item 5047-0001 of chapter 127 of the acts of 1999 during fiscal year 2000 for said acute inpatient care and emergency services ..... \$32,341,278

5047-0002 Notwithstanding any general or special law to the contrary, the department may expend revenues on continuing care services in the community in an amount not to exceed \$6,000,000 from increased federal reimbursements collected for services rendered in emergency programs and acute inpatient and diversionary settings; provided, that not less than an additional \$1,000,000 from said reimbursements shall be deposited in the general fund by the close of the fiscal year 2001; provided further, that upon such deposit, the secretary of administration and finance shall certify in writing to the house and senate committees on ways and means that said amount has been deposited into the general fund; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department

	may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, that the department shall submit a report to the house and senate committees on ways and means no later than February 3, 2001, detailing the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served, the types of services purchased by region, and the annualized impact of said expenditures in the subsequent fiscal year . . . . .	\$6,000,000
5055-0000 For	forensic services provided by the department; provided, that not less than the amount expended in fiscal year 2000 shall be expended in fiscal year 2001 for mental health services at the Barnstable and Middlesex houses of correction . . . . .	\$7,311,564
5095-0015 For	the operation of adult inpatient facilities, including the community mental health centers; provided, that the department is hereby authorized to allocate funds in an amount not to exceed \$5,000,000 from this item to item 5046-0000, as necessary, pursuant to allocation plans submitted to the house and senate committees on ways and means 30 days prior to any such transfer, for residential and day services for clients formerly receiving inpatient care at said centers and facilities . . . . .	\$163,365,262

*Department of Mental Retardation.*

5911-1000 For	the administration of the department of mental retardation; provided, that the department is hereby authorized and directed to conduct an investigation as to the distribution of funds among regions and report such findings to the house and senate committees on ways and means not later than December 15, 2000; and provided further, that such findings shall include, but not be limited to, any adjustments to formulas or other factors needed to provide the equitable distribution of regional funding . . . . .	\$6,029,262
5911-1103 For	the costs associated with enhanced oversight and monitoring of community-based services provided to consumers of the department residing in community settings; provided, that said oversight shall include, but not be limited to, monitoring the quality of consumer access to primary health care services, transportation services, and services offered	

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	by other state, local or federal agencies . . . . .	\$600,000
	Tobacco Settlement Fund . . . . .	100.0%
5911-1210 For	the costs of certifying direct care employees of private human services providers that deliver services under contract with the department of mental retardation in pharmaceutical administration; provided, that funds from this item shall be available to said providers, upon the approval of the commissioner of said department, for additional temporary staffing to ensure all direct care employees attend said certification training . . . . .	\$1,544,650
5911-2000 For	transportation costs associated with the adult services program; provided, that the department shall provide transportation on the basis of priority of need as determined by the department; provided further, that not less than \$109,522 shall be expended from this item for the life focus center in Charlestown; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that transportation services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . .	\$25,049,926
5911-9999 For	the payment of charges assessed to the department of mental retardation for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called; provided, that the department shall maximize the opportunity to avoid long-term workers compensation payments; provided further, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001 all funds appropriated herein shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of the department of mental retardation, with the approval of the secretary of administration and finance, is hereby authorized to transfer from said DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called,	

of this account, an amount not to exceed 15 per cent of the funds appropriated herein, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the charges owed by the department for workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback are less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established in sections 1A and 1B; and (4) that the department has not expended any funds for the payment of workers compensation, unemployment insurance, medicare taxes, health security plan, and the group insurance commission extended leave chargeback, so-called, in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly provided for herein; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . . \$9,535,105

5920-1000 For the operation of regional and area offices of the department; provided, that not more than 25 additional service coordinators shall be funded from this item in fiscal year 2001; provided further, that the amount appropriated for said service coordinators shall not annualize to an amount more than \$850,000 in fiscal year 2002; provided further, that said service coordinators shall ensure the careful develop-



ment, review, and coordination of individual service plans; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means; provided further, that \$356,436 shall be expended from the MM subsidiary, so-called, for clinical assistance with difficult psychological and other diagnosis or emergency situations; and provided further, that the department shall submit a semi-annual report to the house and senate committees on ways and means detailing the total number of service coordinators within the department, the number of consumers served by said coordinators, and the amount of time spent per month per consumer . . . . . \$48,683,630

5920-2000 For vendor-operated community-based residential adult services and for \$8,450,835 in annualized funding for Turning 22 clients who began receiving said services in fiscal year 2000 pursuant to item 5920-5000 of section 2 of chapter 127 of the acts of 1999; provided, that \$2,254,000 shall be expended for the fiscal year 1999 and fiscal year 2000 annualized cost of the settlement agreement Rolland vs. Cellucci, so-called, and \$5,600,000 shall be expended for the fiscal year 2001 cost of said settlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means; provided further, that not less than \$100,000 shall be expended for the Massachusetts Special Olympics, so-called; and provid-

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	ed further, that not less than \$277,000 shall be expended for Best Buddies Massachusetts . . . . .	\$353,695,256
5920-2010 For	state-operated community-based residential services for adults, including community-based health services for adults; provided, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item . . . . .	\$99,998,330
5920-2025 For	community-based day and work programs for adults and for \$3,438,530 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2000 pursuant to item 5920-5000 of section 2 of chapter 127 of the acts of 1999; provided, that not less than \$402,265 shall be expended for the Life Focus Center in Charlestown, including an alternative work program; provided further, that an additional \$100,000 shall be expended on a contract with Opportunity Center, Inc., so-called, for enhanced or expanded services to clients; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . .	\$90,185,163
5920-3000 For	respite services and for \$1,710,635 in annualized funding for Turning 22 clients who began receiving services in fiscal year 2000 pursuant to item 5920-5000 of section 2 of	

	chapter 127 of the acts of 1999; provided, that the department shall pursue the highest rates of federal reimbursement possible for such services; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . .	\$50,248,489
5920-4050 For	services to clients identified by the department as unserved or underserved, so-called, on the waiting list for services compiled by the department; provided, that the amount appropriated herein shall not annualize to more than \$35,838,105 in fiscal year 2002; provided further, that up to \$2,000,000 may be expended from this item for respite services; provided further, that priority for such respite services shall be given to low and moderate income families; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2001, on the use of any funds encumbered or expended from this item including, but not limited to, the number of clients served in each region and the types of services purchased in each region and the household income levels of families receiving respite care; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; and provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement . . . . .	\$35,838,105
5920-5000 For	services for clients of the department who turn 22 years of age during state fiscal year 2001; provided, that the amount appropriated herein shall not annualize to more than \$13,600,000 in fiscal year 2002; provided further, that the department shall report to the house and senate committees on ways and means not later than January 1, 2001, on the use of any funds encumbered or expended from this item in-	

	cluding, but not limited to, the number of clients served in each region and the types of services purchased in each region; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . . \$6,950,000
5920-6000 For	services to the older unserved; provided, that not less than \$3,500,000 shall be expended for the provision of services to clients who remain at home; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that nothing stated herein shall be construed as giving rise to such enforceable legal rights or such enforceable entitlement; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department notifies the house and senate committees on ways and means . . . . . \$6,750,000
5920-8000 For	the child and adolescent services program; provided, that the commissioner of the department of mental retardation is hereby authorized to transfer funds from this item to item 5920-8010, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall



	file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not less than \$437,000 shall be expended for support services for families of children with autism; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller shall transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . .	\$5,024,156
5920-8010 For	the residential expenses associated with school placements of children and adolescents between the ages of 4 and 21, inclusive; provided, that the commissioner is hereby authorized to transfer funds from this item to item 5920-8000, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that in the event expenditures and encumbrances for the purposes of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 5911-1000 to this item to ensure that services are maintained throughout fiscal year 2001; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no such transfer shall occur until the commissioner of the department of mental retardation notifies the house and senate committees on ways and means . . . . .	\$361,131
5930-1000 For	the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin regional center; provided, that the commissioner of the department of mental retardation is hereby authorized and directed to transfer funds from this item to items 5920-2000, 5920-2010 and 5920-2025 of section 2, as necessary, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of said funds to	

	be transferred and which said commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; and provided further, that not more than \$3,000,000 shall be transferred from this item in fiscal year 2001; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item .....	\$164,767,603
5982-1000	The department of mental retardation is hereby authorized to expend an amount not to exceed \$100,000 accrued through the sale of milk and other farm-related products at the Templeton Developmental Center, for program costs of said center, including supplies, equipment, and maintenance of the facility; provided, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system .....	\$100,000

**EXECUTIVE OF TRANSPORTATION AND CONSTRUCTION.**  
*Office of the Secretary.*

6000-0100 For the office of the secretary of transportation and construction; provided, that said office shall collaborate with efforts of the department of transitional assistance to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1001; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program, so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided

further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees receive from said items and how much money each employee receives from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel . . . . . \$200,516  
Highway Fund . . . . . 100.0%

6000-0110	The executive office of transportation and construction may expend, for the purpose of property management and maintenance of railroad properties owned by said executive office on behalf of the commonwealth, including the cost of personnel, an amount not to exceed \$27,344 from the rents and fees received pursuant to section 4 of chapter 161C of the General Laws; provided, that said executive office shall conduct a study on the cost and feasibility of constructing a noise barrier wall along the south side of the Boston engine terminal, so-called .....	\$27,344
6005-0015	For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program, and the intercity bus capital assistance program; provided, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July 1, 2000 and ending June 30, 2001, may enter into contracts with the authorities; provided further, that notwithstanding the provisions of section 152A of chapter 161, and of section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2000 shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon said cities and towns shall be at least 25 per cent of said net cost of service; provided further, that in the event that 25 per cent of said net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by cities and towns for the costs of new service, for which said cities and towns have not previously been assessed, as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures of each of the regional transit authorities for fiscal year 2001 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2000; provided further, that for the purposes of this item operating expenditures shall not include federal, private or	



additional municipal nonstate revenue sources or any expenses arising from the provision of services required by the Americans with Disabilities Act, or new services implemented after July 1, 1999 in an amount not to exceed a total of \$3,613,905 for the 15 regional transit authorities; provided further, that said new services must have first received approval of the appropriate regional transit authority advisory board; provided further, that not less than 25 per cent of the net cost of service of said new services shall be assessed to the cities and towns of the appropriate transit authority, as detailed previously in this item; provided further, that each regional transit authority which provides said new services must file a report with the house and senate committees on ways and means and the joint committee on transportation, detailing the total costs and revenues associated with said new service; provided further, that the cost of said new services shall not annualize to more than \$3,613,905; provided further, that not later than January 1, 2001, each of the 15 regional transit authorities shall submit to the house and senate committees on ways and means a report detailing any and all revenues collected as a result of services provided pursuant to item 4401-1001; provided further, that the Pioneer Valley Regional Transit Authority shall maintain an express bus route from the city of Springfield to the former Hampden county house of correction; and provided further, that \$180,000 shall be allocated to the Brockton area transit authority to establish shuttle bus service to serve the towns of Rockland and Abington . . . . . \$41,376,911

Local Aid Fund . . . . .	40.0%
General Fund . . . . .	40.0%
Highway Fund . . . . .	20.0%

6005-0017 For certain payments to cities and towns as authorized by clause (c) of section 13 of chapter 64A, section 13 of chapter 64E, and section 14 of chapter 64F of the General Laws; provided, that the amounts appropriated herein are in full satisfaction of the amounts payable pursuant to said clauses for fiscal year 2001; and provided further, that funds herein may be used for the lease, purchase and maintenance of vehicles for use in road maintenance, and for costs incurred for the removal of snow and ice . . . . . \$43,472,110

Highway Fund ..... 100.0%

*Massachusetts Aeronautics Commission.*

6006-0003 For the administration of the commission, including the expenses of the commissioners ..... \$623,675  
Local Aid Fund ..... 100.0%

*Department of Highways.*

6010-0001 For non-personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the highways commissioner, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment, the maintenance and operation of state highways and bridges; provided, that no funds from this item shall be expended for the DD subsidiary costs, so-called, appropriated in item 6010-1000; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports; provided further, that notwithstanding the provisions of any administrative bulletin, general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to the provisions of section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation and construction for approval requests to repair vehicles costing

in excess of the limit set forth in said section 22 of said chapter 7; provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that said department shall fulfill its commitment to award a contract for the Main street/route 122A road construction project in the town of Holden by August 15, 2000; provided further, that should said department fail to meet said deadline, then said department shall submit monthly reports to the house and senate committees on ways and means and to the Holden board of selectmen detailing the reason for the project's delay and including a project status report; provided further, that not more than \$500,000 shall be expended for sound barriers on route I-91 in the city of Holyoke; provided further, that not more than \$50,000 shall be expended for the study and design of extending a sidewalk to the United States post office on route 119 in the town of Groton; provided further, that \$300,000 shall be expended for equipment for a closed loop system to interconnect the light signals for the 6 intersections from Crosby's Corner to the Prison Rotary on route 2 in the town of Concord; provided further, that not more than \$50,000 shall be expended for the study and design of a sidewalk project connecting low and moderate income housing to the school complex on route 119 in the town of Groton; provided further, that \$100,000 shall be expended for lighting improvements at the intersection of route 128 and route 28 in the town of Randolph; provided further, that not less than \$200,000 shall be expended for beautification and other improvements to the rotary at the intersection of route 107 and route 60, commonly known as Brown Circle, and the Squire Road section of route 60 in the city of Revere; provided further, that the town of Saugus shall be reimbursed for the design work for phase A and C on the Walnut street reconstruction project in the amount of \$461,046; provided further, that \$1,500,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996; provided further, that not less than \$250,000 shall be expended for the initial phase of the route 495/route 109 in-

terchange project in the town of Milford; provided further, that not less than \$120,000 shall be expended for improvements including resurfacing and related work on route 120 in the town of North Attleborough; provided further, that not less than \$100,000 shall be expended for the purpose of providing a replicable model to improve pedestrian safety at a local elementary school in the town of Brookline, by installing traffic calming devices on the streets surrounding the Driscoll school; provided further, that not less than \$250,000 shall be expended for street lighting projects on Shrewsbury street in the city of Worcester; provided further, that \$100,000 shall be expended for the completion of the park-and-ride facility on route 127 in the town of Rockport; provided further, that not more than \$65,000 shall be expended for the study and design of sidewalks on the west side of route 18 in the town of Whitman; provided further, that not more than \$1,000,000 shall be expended for the repair of the Dover road bridge in the towns of Dover and Needham; provided further, that not less than \$175,000 shall be expended for the study and design of the Highland avenue turnback project between the Charles River bridge and First avenue in the town of Needham; provided further, that not more than \$200,000 shall be expended for traffic safety improvements and signalization on route 3A in the town of Billerica; and provided further, that not more than \$150,000 shall be expended for the resurfacing of Hammett street in the town of Ipswich and the restoration of sidewalks adjacent thereto . . . . . \$17,108,065

Highway Fund . . . . . 100.0%

6010-0002 For AA subsidiary payroll costs, so-called, of item 6010-0001; provided, that not more than \$10,118,925 of the funds appropriated herein may be expended for said payroll costs until said department fully obligates funds from capital or operating accounts for the following projects pursuant to the provisions of chapter 127 of the acts of 1999: (1) the Wachusett mountain road project, so-called, in the town of Princeton; (2) the Mystic Wellington bridge project, so-called, in the city of Somerville; and (3) the Chestnut street turn-back project, so-called, in the town of Needham; and provided further, that the funds appropriated herein shall be



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	the only source of funding for all overtime expenses associated with the department's snow and ice control efforts .....	\$40,475,698
	Highway Fund .....	100.0%
6010-1000	For the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C, so-called, and for costs associated with police services and overtime within said areas; provided, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that no additional funds made available to the department, either directly or indirectly, including capital, trust, or other funds, shall be used to supplement or supplant the funds for said contract areas appropriated herein; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair .....	\$23,690,344
	Highway Fund .....	100.0%
6030-7201	For the cost of hired and leased equipment, so-called, used for snow and ice control; provided, that no funds appropriated herein shall be used for materials, overtime costs or vehicle repair related to snow and ice control .....	\$6,727,688
	Highway Fund .....	100.0%
6030-7211	For vehicle repair directly associated with department snow and ice control equipment; provided, that no funds appropriated herein shall be used for materials, overtime costs or hired or leased equipment related to snow and ice control .....	\$175,000
	Highway Fund .....	100.0%
6030-7221	For the cost of sand, salt, and other control chemicals used for the purpose of snow and ice control; provided, that no funds appropriated herein shall be used for hired or leased equipment, overtime costs or vehicle repair related to snow and ice control .....	\$5,886,473
	Highway Fund .....	100.0%

BOARD OF LIBRARY COMMISSIONERS.

7000-9101 For the operation of the board of library commissioners; pro-

	vided, that not less than \$30,000 shall be expended for the purposes of expanding the statewide summer reading program, so-called .....	\$1,229,472
	Local Aid Fund .....	100.0%
7000-9401 For	state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller's regulations on state grants, 815 CMR 2.00; provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to 96.35 cents per resident in the commonwealth; provided further, that notwithstanding the provisions of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the three years immediately preceding; and provided further, that notwithstanding this item, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the second paragraph of section 19A of said chapter 78, to any library not receiving funds as a library of last recourse for a period of not more than one year .....	\$16,930,454
	Local Aid Fund .....	100.0%
7000-9402 For	the talking book library at the Worcester public library; provided, that \$117,572 shall be expended to increase services for the blind and physically handicapped; and provided further, that the board of library services shall submit a report to the house and senate committees on ways and means on the status of library services to the blind and physically handicapped not later than February 1, 2001 .....	\$342,550
	Local Aid Fund .....	100.0%

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7000-9406	For the braille and talking book library at Watertown, including the operation of the machine lending agency . . . . .	\$1,750,000
	Local Aid Fund . . . . .	100.0%
7000-9501	For state aid to public libraries; provided, that notwithstanding the provision of any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of said city or town for free public library services is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the three years immediately preceding; provided further, that notwithstanding the provisions of this item, the board of library commissioners may grant waivers permitted pursuant to the last paragraph of section 19A of chapter 78 of the General Laws to any library not receiving funds as a library of last recourse for a period of no more than one year; provided further, that notwithstanding the provisions of any general or special law to the contrary, of the amount by which said item exceeds the amount appropriated in chapter 194 of the acts of 1998, \$1,500,000 shall be distributed under the guidelines of the municipal equalization grant program, so-called and \$1,550,000 shall be distributed under the guidelines for the library incentive grant program so-called, provided further, that not less than \$50,000 shall be appropriated for the Fall River Public Library for renovation purposes; and provided further, that any payment made under this appropriation shall be deposited with the treasurer of such city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation, notwithstanding the provisions of any general or special law to the contrary . . . . .	\$9,949,804
	Local Aid Fund . . . . .	100.0%
7000-9506	For the telecommunications expenses of automated resource sharing networks and their member libraries . . . . .	\$4,420,235

**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT.**

7002-0100	For the administration of the department of labor and workforce development, including the divisions under the control of the department; provided, that \$645,919 shall be expended from this item for the GG subsidiary costs, so-called, of the
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	board of conciliation and arbitration, the division of apprentice training, the labor relations commission, and the division of occupational safety; provided further, that funds shall be expended from this item for the deputy director of workforce development; provided further, that on January 4, 2001 and April 1, 2001, said deputy director shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the job training services, including labor exchange, skills training and remedial education services related thereto which have been provided during the course of the fiscal year in the commonwealth, describing the systems for delivery of such services, describing the costs of such services and the sources of revenue for such services; provided further, that not less than \$200,000 shall be expended for the donahue institute to study work, families, and communities in Massachusetts; and provided further, that not less that \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO . . . . .	\$1,473,742
7003-0400 For	a program to provide comprehensive re-employment assistance for dislocated workers, so-called, whose unemployment status is due to a plant closing or layoff; provided, that said assistance shall be provided in conjunction with any applicable federal funds granted to the state for such assistance; and provided further, that the corporation for business, work and learning shall submit quarterly reports to the house and senate committees on ways and means on the number of recipients served, the type of service provided, and the number of recipients placed in jobs by said program for a minimum of 90 days as a result of said program . . . . .	\$377,000
7003-0500 For	the economic stabilization trust established pursuant to chapter 23D of the General Laws, and for a re-employment assistance program established pursuant to section 71D of chapter 151A of the General Laws; provided, that a report of all revenues, expenditures, assets and liabilities of said program and of said trust shall be filed quarterly with the secretary of administration and finance and the house and senate committees on ways and means; provided further, that none of the funds appropriated herein shall support the costs of administrative services; and provided further, that	



	said funds may be used to provide working capital and related assistance to defense-dependent firms and to leverage federal matching funds authorized pursuant to Title IX of the Public Works and Economic Development Act of 1965, as amended . . . . .	\$500,000
7003-0601 For	the summer jobs youth-at-risk program, including the costs of administration; provided, that the corporation for business, work and learning shall submit a report to the house and senate committees on ways and means on or before October 1, 2000 that shall include a list of all contractors and subcontractors administering said program, the amount allocated for fiscal year 2001 per contract, the year-to-date amount expended for fiscal year 2001 per contract, the number of youth served per contract, the hourly per youth wage per contract, the amount of matching funds leveraged per contract, and the source of said matching funds; provided, that administrative costs shall not exceed 10 per cent of amounts awarded from this item; provided further, that service levels shall be developed so as not to exceed the appropriation made available herein; provided further, that the same number of youths shall be served in fiscal year 2001 that were served in fiscal year 2000; and provided further, that expenditures made from this item shall be structured so that funding provided herein shall not annualize to an amount greater than \$3,050,000 in fiscal year 2002, prior appropriation continued . . . . .	\$3,050,000
7003-0603 For	school-to-work connecting activities, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of labor and workforce development, in cooperation with the board of education and the MassJobs council, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that said program may include the award of matching grants to regional employment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that said grants shall require at least a 200 per cent match in wages for said students from private sector participants; provided further, that the program shall include, but	

not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job, and to work closely with teachers; and provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job ..... \$5,000,000

7003-0604 For the career ladder grant program in long-term care established pursuant to section 410; provided, that said corporation shall submit quarterly reports to the house and senate committees on ways and means on said grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs developed with such grants, the number of employees served by each grant, their career progression within the long-term care facility, and the certificates, degrees or professional status attained by each employee; and provided further, that the administrative costs for the implementation of said grant program shall not exceed 5 per cent ..... \$5,000,000

7003-0700 For grants administered by the corporation for business, work and learning to secure employment, training and counseling for workers; provided, that not more than \$125,000 shall be made available to teamsters local 25 for workforce development initiatives; provided further, that not more than \$216,000 shall be expended for three full-time equivalent rapid response labor specialists at the Massachusetts AFL-CIO; provided further, that not less than \$155,000 shall be expended for E-Team Machinist Training Program in the city of Lynn; provided further, that not more than \$200,000 shall be expended for the central Massachusetts and the pioneer valley entrepreneurial business start-up training programs; provided further, that not more than \$100,000 shall be expended for said corporation to assist the commonwealth's industries and community colleges to evaluate and design skills-based curricula; provided further, that said corporation shall report on said program and curricula assistance to the house and senate committees on ways and means not later than February 15, 2001; provided further, that not more than \$50,000 shall be expended for a pilot program to design and implement strategies to strengthen the performance measures and outcomes of the

	federal Workforce Investment Act of 1998, public law 105-220; provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program, so-called; provided further, that not less than \$30,000 shall be expended for a contract with child and family services of Cape Cod, so-called, for a pilot program to provide comprehensive education, training and supportive services for parents and their children; and provided further, that not less that \$150,000 shall be expended for the southeastern Massachusetts manufacturing partnership entrepreneurial start-up program, so-called . . . . .	\$1,153,000
7003-0701 For	grants and technical assistance administrated by the division of employment and training, pursuant to section 2RR of chapter 29 of the General Laws and for the cost of collecting the assessment established in section 14L of chapter 151A of the General Laws; provided, that not more than \$3,000,000 shall be expended for direct technical assistance pursuant to paragraph (2) of subsection (b) of section 2RR of chapter 29 of the General Laws . . . . .	\$18,000,000
	Workforce Training Fund . . . . .	100.0%
7003-0801 For	the just-a-start corporation to provide training for entry level employment in the biotech and medical fields for 30 unemployed or displaced workers or persons receiving benefits from transitional aid to families with dependent children program; provided, that funds may be expended from this item for under-employed workers; and provided further, that not less than \$100,000 shall be expended for the training program for entry level health careers operated by dimock community health center in Roxbury . . . . .	\$250,000
7003-0803 For	the one-stop career centers; provided, that not more than \$2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997 which are located in the Boston, Hampden county and the metro north service delivery areas, so-called, and any satellite offices thereof which opened on or before December 1, 1997; provided further, that each career center shall inform unemployed or underemployed recipients of transitional aid to families with dependent children benefits who seek assistance from such center of the full range of education and training programs that are available to them, the availability of jobs in the professions for which such programs prepare	

	participants, and the average wage rates in such professions within the commonwealth; provided further, that such information shall encompass certified nurses aide training programs, job availability and wage rates; and provided further, that not less than \$1,000,000 shall be expended for one-stop career centers that opened after January 1, 1999 . . . . \$3,750,000
7003-0901 For	a summer jobs youth-at-risk program; provided, that the corporation for business, work and learning shall submit a report to the house and senate committees on ways and means on or before October 1, 2000 that shall include a list of all contractors and subcontractors administering said program, the amount allocated for fiscal year 2001 per contract, the year-to-date amount expended for fiscal year 2001 per contract, the number of youth served per contract, the hourly per youth wage per contract, the amount of matching funds leveraged per contract, and the source of said matching funds; provided further, that administrative costs shall not exceed 10 per cent of amounts awarded from this item; and provided further, that no funds appropriated herein shall be expended or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item, prior appropriation continued . . . . . \$825,000
7003-1000 For	the workforce development initiative; provided, that each of the 16 regional employment boards shall receive not more than \$75,000 in fiscal year 2001; provided further, that each of said boards shall receive not more than \$20,000 for youth councils, so-called; provided further, that not more than \$150,000 shall be expended for the consumer provider program operated by CASCAP, inc. in collaboration with bunker hill community college to train persons with psychiatric disabilities to become part-time employees at health and human services agencies in the commonwealth; provided further, that not more than \$100,000 shall be provided to the Massachusetts maritime academy for a training and work program in maritime trades, including but not limited to sailing, seamanship and nautical training; provided further, that not more than \$400,000 be provided to the Massachusetts career development institute (MDCI) in Springfield; provided further, that not more than \$90,000



shall be expended for a work-force development coordinator at the Massachusetts AFL-CIO; provided further, that not less than \$125,000 shall be expended for the support of programs operated by a farm workers' organization serving low income persons and the hispanic population of western Massachusetts; provided further, that not less than \$150,000 shall be expended to support the technology initiative operated by the metro southwest regional employment board for the development of technology centers of excellence serving the region's youth and businesses; provided further, that said grant shall not result in a reduction of the metro southwest regional employment board's existing connect activities program and shall require a 200 per cent match from the private sector; provided further, that not more than \$50,000 shall be expended in grants to the community technology centers at the commonwealth housing development and at the jackson-mann community center; provided further, that \$98,236 shall be expended for the economic development activities of the breaking barriers program of the educational development center in Newton; provided further, that not more than \$150,000 shall be provided to the Massachusetts region-al employment board association for the purpose of assisting regional employment boards; provided further, that not more than \$50,000 shall be provided to the vocational adjustment center in Brighton for the purpose of assisting in the provision of employment opportunities for adults with developmental disabilities; provided further, that not less than \$150,000 shall be expended for the western Massachusetts enterprise fund and JVS microenterprise program as the supplemental match to conduct an entrepreneurial training program for income eligible residents; provided further, that not less than \$75,000 shall be expended for the career beginnings program, so-called, at Worcester state college in the city of Worcester; provided further, that not more than \$60,000 shall be expended for the business/community college worker training program to be operated by the Cape Cod chamber of commerce economic development division; provided further, that the Cape Cod, Martha's Vineyard and

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	Nantucket regional employment board shall oversee and make recommendations regarding said program; and provided further, that not less than \$100,000 shall be expended for the refugee and immigrant self-sufficiency program, so-called, at the University of Massachusetts at Lowell . . . . .	\$3,268,236
7003-2055 For	the youth, senior service, and conservation group corps program, including the costs of administration; provided, that not more than \$200,000 shall be expended for the administration of the Massachusetts service alliance; and provided further, that not less than \$8,000 shall be provided for the bonnie brea camp, so-called, in the city of Gardner . . .	\$1,500,000

*Division of Apprentice Training.*

7002-0101 For	the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws . . . . .	\$399,906
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*Division of Occupational Safety.*

7002-0200 For	the operation of the industrial safety program . . . . .	\$1,212,134
7002-0400 For	the operation of the occupational hygiene program; provided, that the division may employ staff not subject to chapter 31 of the General Laws for a program to evaluate asbestos levels in public schools and other public buildings . . .	\$1,127,834

*Division of Industrial Accidents.*

7002-0500 For	the operation and administrative expenses of the division of industrial accidents; provided, that \$800,000 shall be expended for occupational safety training grants; provided further, that said division shall submit a report not later than February 1, 2001 to the house and senate committees on ways and means detailing the scope, objective, and results of said grant recipients' safety training program; provided further, that funds appropriated herein in excess of the fiscal year 2000 spending level for said grants shall be a one-time fiscal year 2001 expense; provided further, that the general fund shall be reimbursed the amount appropriated herein and for associated indirect and direct fringe benefit costs from assessments levied pursuant to section 65 of chap-	
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ter 152 of the General Laws; provided further, that the division shall assign a judge to hear cases in the county of Berkshire not less than once a month; provided further, that said division shall cooperate and respond to all legislative committee requests for information; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers' compensation advisory council and the affirmative vote of at least seven members of the workers' compensation advisory council, sufficient funds from the special fund reserve account established in clause (c) of subsection (4) of section 65 of chapter 152 of the General Laws to pay for expenses associated with converting the agency's computer system from unify, so-called, to oracle, so-called . . . . . \$17,815,834

*Labor Relations Commission.*

7002-0600 For the operation of the labor relations commission . . . . . \$1,139,270

*Joint Labor Management Committee.*

7002-0700 For the operation of the joint labor management committee . . . . . \$475,858

*Board of Conciliation and Arbitration.*

7002-0800 For the operation of the board of conciliation and arbitration . . . . . \$718,902

*Division of Employment and Training.*

7003-0810 For the welfare-to-work skills plus program to be administered by the division; provided, that said program shall serve only recipients of the transitional aid to families with dependent children program; provided further, that any career center, so-called, receiving funds through said program shall each submit individual quarterly reports to the house and senate committees on ways and means listing the number of said recipients placed in jobs and remaining in such jobs for at least 60 days due to the efforts of said career centers; and provided further, that such reports shall include information on the number of such recipients who have been placed in positions as certified nurses aides and the corresponding wage rates of said aides . . . . . \$1,265,000

*Department of Housing and Community Development.*

7004-0001	For the indian affairs commission . . . . .	\$92,716
7004-0002	For the urban initiative fund, a loan and grant program for inner-city neighborhoods, for the purposes of education, job training, business development, health care, day care, youth activities, including athletic and recreation programs, violence and crime prevention, and housing; provided, that said fund shall be administered by the community development finance corporation pursuant to section 137 of chapter 133 of the acts of 1992 . . . . .	\$500,000
	Local Aid Fund . . . . .	100.0%
7004-0087	For state financial assistance in the form of grants to municipalities for community development and management of capital; provided further, that sums appropriated herein may be transferred to other items of appropriation; provided further, that not more than \$174,210 as a one-time compensation for the difference between the sewer rate transport paid to the city of Worcester and the sewer transport rate charged to the towns of Holden, Rutland, and West Boylston for the transport of sewerage through the city of Worcester to the upper Blackstone water pollution abatement district, so-called; provided further, that not more than \$250,000 shall be expended for the development of a community safety center at parcel number 62, the west side of Plansfield street in the city of Springfield; provided further, that not more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence; provided further, that not more than \$500,000 shall be expended as a grant for wastewater system improvements in the town of Holliston; provided further, that not more than \$100,000 shall be expended for the Puerto Rican cultural center of Springfield; provided further, that not less than \$125,000 shall be expended for the building blocks initiative for the renovation of abandoned properties identified by the south Worcester neighborhood center working in partnership with other private, public and non-profit institutions who will leverage additional funding for said properties in the section of the city known as south Worcester; provided further, that not more than \$750,000 shall be expended for the demolition and development of	



	property in the city of Lawrence; and provided further, that not more than \$150,000 shall be expended as a grant for the Quinebaug-Shetucket rivers valley national heritage corridor commission, so-called . . . . .	\$2,299,210
7004-0099 For	the operation of the department; provided, that, notwithstanding the provisions of any general or special law to the contrary, the department may make expenditures for the purposes of said department against federal grants for certain direct and indirect costs pursuant to a cost overhead allocation plan approved by the comptroller; provided further, that the comptroller shall establish and designate an account on the Massachusetts management accounting and reporting system for the purpose of making such expenditures; provided further, that expenditures made against said account shall not be subject to appropriation and may include the cost of personnel; provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means on object code expenditures made against said account; provided further, that on February 1, 2001, said department shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the number, location, and subsidy requirements of state-subsidized housing, including: Massachusetts housing finance agency finance units, mobile and project-based vouchers issued by said department, bond funded or subsidized units and local housing authority units; and provided further, that said department shall detail changes in the number and the physical condition of said units from the fiscal year 2000 . . . .	\$7,835,017
7004-0200 For	the municipal assistance program to provide management incentive grants, technical assistance and training for municipal governments to provide cost effective and efficient delivery of local services, including regionalization of services; provided, that said incentive grants may be utilized for the purchase of computer hardware and equipment; provided further, that funds appropriated herein may be provided in advance; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that not more than \$60,000 shall be expended for a regional services consortia project, so-called, between the	

	towns of Duxbury and Pembroke; provided further, not more than \$9,000 shall be granted to the town of Walpole to purchase equipment which allows for the uninterrupted delivery of emergency radio service; provided further that not less than \$50,000 shall be allocated as a grant to the Metropolitan Area Planning Council for a regional services consortia project, so-called, in the Metropolitan Area Planning District; and provided further, that not more than \$35,000 shall be granted to the town of New Braintree for geographical information services . . . . .	\$235,000
	Local Aid Fund . . . . .	100.0%
7004-1966 For	the loan program established pursuant to section 197E of chapter 111 of the General Laws for lead abatement throughout the commonwealth; provided, that the terms and conditions of such loans will be based on income eligibility criteria and include terms and plans that allow low- and moderate- income individuals to defer loan repayment until transfer of the property; provided further, that funds made available herein shall be administered by the department of housing and community development in consultation with the department of public health; provided further, that funds shall be disbursed from this item on a quarterly basis subject to a disbursement plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that such disbursements shall be made upon demonstration of need by the entity selected by the department to implement the program funded herein; and provided further, that funds received for the repayment of loans made under the provisions of this item may be retained and expended without further appropriation for the loan program established pursuant to said section 197E of said chapter 111 . . . . .	\$6,000,000
	General Fund . . . . .	75.0%
	Tobacco Settlement Fund . . . . .	25.0%
7004-2011 For	a low income sewer and water assistance program pursuant to the provisions of section 24B of chapter 23B of the General Laws . . . . .	\$1,400,000
	Local Aid Fund . . . . .	100.0%
7004-2025 For	the Massachusetts neighborhood crime watch commission . . . .	\$114,455
7004-2027 For	community economic development; provided, that grants may be awarded to not-for-profit community-based organi-	

	zations; provided further, that not less than \$50,000 be expended for the housing assistance corporation; provided further, that on or before February 1, 2001, the department shall file with the house and senate committees on ways and means a report demonstrating the distribution of funds from this item among rural, suburban, and urban community-based organizations; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees and provided further, that not less than \$50,000 shall be expended for the northern berkshire community development corporation, so-called; provided further, that \$50,000 will be expended for a Hanson senior center to be housed at Plymouth County hospital; and provided further, that not less than \$50,000 shall be expended for well development and an irrigation system for recreational areas in Pembroke . . . . .	\$3,500,000
	Local Aid Fund . . . . .	100.0%
7004-2475 For	the home ownership opportunity affordable housing program; provided, that all sums appropriated herein shall be used to write down interest rates on soft second mortgage loans, so-called, for low and moderate income first-time home buyers . . . . .	\$4,000,000
7004-3036 For	housing services and counseling; provided, that not less than \$265,000 shall be expended for assistance through community-based organizations to low-income tenants in privately-owned housing and to landlords to maintain such housing; provided further, that not more than \$141,000 shall be expended for the just-a-start corporation to administer a housing stabilization and conflict management services program to prevent homelessness; provided further, that not more than \$850,000 shall be expended as grants for the operation of 9 regional housing consumer education centers; provided further, that said grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2000 on possible savings and efficiencies through consolidation of said services and counseling; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees . . . . .	\$1,256,000

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7004-3040 For	a scattered site transitional housing program for victims of domestic violence and their dependents; provided, that the department shall collaborate with the department of social services to ensure that participants in battered women's programs are provided with information regarding local transitional housing resources; and provided further, that said program shall assist victims of domestic violence in finding and maintaining permanent housing . . . . .	\$900,000
7004-4314 For	the expenses of a service coordinators program established by the department to assist tenants residing in housing developed pursuant to sections 39 and 40 of chapter 121B of the General Laws to meet tenancy requirements in order to maintain and enhance the quality of life in said housing . . . .	\$650,000
7004-8878 For	the private rental housing development action loan program; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments, contracts or renegotiations of existing contracts shall be entered into during fiscal year 2001 or any subsequent fiscal year . . . .	\$2,219,902
7004-9003 For	a program to provide housing units to homeless individuals; provided, that grants shall be awarded on a competitive application process pursuant to criteria established by the department to regional non-profit housing associations, so called, to provide housing units for up to one year to homeless individuals who are working to transition into private housing; and provided further, that the department shall submit on or before February 1, 2001 to the house and senate committees on ways and means a report detailing all expenditures of said program, including, but not limited to, the recipient of the funds, the administrative costs the development of units, and any other related costs of said program . . .	\$2,500,000
7004-9004 For	a program to enable households in state-assisted public housing to transition to unsubsidized housing options in the private market; provided, that up to 5,000 qualified households residing in chapter 200 or chapter 705 state-assisted housing developments shall be allowed to participate in a voluntary program that allows a portion of a household's rental payments to a housing authority to be placed in escrow accounts for the purpose of making said transition affordable, including, down payment costs, closing costs, first and last month's rent, security deposit, moving costs, and appliances necessary for occupancy; provided further,	



that the department, subject to appropriation, shall contribute \$1 for every \$2 of rental payment placed by a household in such an escrow account which shall inure to the benefit of the household; provided further, that the amount of said rental payments eligible to be placed in said escrow accounts shall consist of the savings in rent payments derived by allowing an adjustment to a household's income for purposes of computing rent for the amounts withheld from a household's earned income for (1) state and federal income tax withholding payments and (2) payments for Social Security, FICA, or other retirement deductions and (3) other deductions as may be allowed by law or regulation consistent with the provisions of this item; provided further, that in promulgating regulations that allow a household's income to be so adjusted for the calculation of rental payments, said department shall establish a uniform method for calculating the amount of rent adjustments allowable under said program; provided further, that said regulations shall not include in said calculation the amounts withheld from a dependent's income nor shall the income of any such dependent be subject to escrow; provided further, that a household participating in said program shall agree in writing to the minimum amount needed to be held in escrow in order to provide for said affordable transition and to a maximum amount to be held in said escrow account; provided further, that in no event, shall the amount of any escrow account exceed \$10,000; provided further, that rental payments held in escrow for a household that elects not to make said transition pursuant to the written agreement or which is evicted by a housing authority for any reason shall be repaid to the housing authority and the commonwealth for the value of any rent subsidy provided to said household and the matching contribution paid by the department; provided further, that a household that loses eligibility for state-assisted public housing due to increased income earnings shall use the amount held in escrow for the purposes of transition housing costs; provided further, that the use of escrowed rental payments by a household for said transition costs shall be verified by the household and any funds not used

for transition costs shall be recovered by the housing authority; provided further, that said department shall select housing authorities that demonstrate a willingness and capability to participate in said program; provided further, that said authorities may, for the purposes of administrative efficiency, maintain a centralized escrow account in lieu of separate accounts for each participating household; provided further, that detailed accounting records shall be maintained for each participating household by a housing authority that establishes such a centralized escrow account; provided further, that said housing authorities shall take all steps to invest said escrow accounts in investment vehicles that maximize the interest earned on said escrow accounts; provided further, that said housing authorities may retain not more than 20 per cent of any such interest earned on rental payments held in escrow to offset the costs of administering said program; provided further, that the remaining interest earnings shall be credited to the escrow account of a household; provided further, that the department shall require said housing authorities to obtain the social security numbers of households participating in said program to verify household income and deductions with the department of revenue and other parties; provided further, that rental payments held in escrow shall be treated as deductible rent for purposes of calculating Massachusetts personal income taxes pursuant to subparagraph (9) of paragraph (a) of part B of section 3 of chapter 62 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, the release of escrow payments to a household, including interest earned thereon and the value of the matching contribution, shall not create any tax liability for such a household; provided further, that a tax liability shall be created in the event that a household does not elect to make said transition pursuant to said written agreement; and provided further, that said department may transfer funds provided in this item to item 7004-9005 for the purposes of supplementing rental funds directed toward said program . . . . \$500,000

7004-9005 For subsidies to housing authorities and non-profit organizations for deficiencies caused by certain reduced rentals in housing for the elderly, handicapped, veterans and relocated

persons pursuant to sections 32 and 40 of chapter 121B of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, all housing authorities operating elderly public housing are authorized and directed to offer first preference for elderly public housing units which are vacant as of the effective date of this act, and thereafter, to those persons 60 years of age or older on June 30, 1995, receiving rental assistance from the Massachusetts rental voucher program, so-called; provided further, that said department may expend funds appropriated herein for deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budgets of housing authorities; provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees; provided further, that the amount appropriated herein shall be deemed to meet any and all obligations pursuant to said sections 32 and 40; and provided further, that any new reduced rental units developed in fiscal year 2001 eligible for subsidies pursuant to this item, shall not cause any annualization that results in an amount exceeding the amount appropriated herein; provided further, that not more than \$125,000 shall be granted to the West Broadway task force, so-called, to provide certain tenant services; and provided further, that all funds in excess of normal utilities, operations, and maintenance costs may be expended for capital repairs . . . . \$34,273,920

Local Aid Fund . . . . . 100.0%

7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers, so-called; provided, that rental assistance shall only be paid pursuant to a program to be known as the Massachusetts rental voucher program; provided further, that the income of said households shall not exceed 200 per cent of the federal poverty level; provided further, that said department may award mobile vouchers to such eligible households currently occupying project-based units, that shall expire

due to the non-renewal of project-based rental assistance contracts; provided further, that said department, as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants' households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that any household in which a participant or member of a participant's house-hold shall fail to provide a social security number for use in verifying the household's income and eligibility shall no longer be eligible for a voucher or to receive benefits from said voucher program; provided further, that said vouchers shall be in varying dollar amounts and shall be set by said department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding the provisions of any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of said mobile vouchers, or said project-based units; provided further, that any household which is proven to have caused intentional damage to their rental unit in an amount exceeding two month's rent during any one year lease period shall be terminated from the program; provided further, that notwithstanding the provisions of any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be reassigned within 90 days; provided further, that said department shall pay agencies \$25 per voucher per month for the costs of administering said program; provided further, that said costs of administration shall not exceed 6 per cent of the appropriation provided herein; provided further, that said 6 per cent shall include, but not be limited to, all expenditures which may be made by said department to conduct or otherwise contract for rental voucher program inspections; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent



by each household holding a mobile voucher, or project-based voucher, but each household shall pay at least 30 per cent of its income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, and the project-based vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents, so-called, shall not be enforced by said department; provided further, that households holding mobile vouchers shall have priority for occupancy of said project-based dwelling units in the event of a vacancy; provided further, that said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and said department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, as defined in regulations promulgated by said department and to the extent such programs are available; provided further, that each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 2000 if his or her annual eligibility recertification date occurs between June 30, 2000 and September 1, 2000 and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that said department shall submit an annual report to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level, and the number and types of units leased that are funded from this item; and provided further, that no funds shall be expended from this

	item in the AA subsidiary, so-called, for the compensation of state employees .....	\$35,298,397
7004-9027 For	state housing assistance for rental production (SHARP) contracts with sponsors of rental housing projects financed through the Massachusetts housing finance agency, established pursuant to chapter 708 of the acts of 1966, in the form of a loan by the commonwealth to facilitate the construction or rehabilitation of rental housing projects pursuant to the provisions of section 7 of chapter 574 of the acts of 1983; provided, that notwithstanding section 27 of chapter 23B or sections 26 and 27 of chapter 29 of the General Laws to the contrary, the department may enter into such contracts for terms not exceeding 15 years with annual payment obligations not to exceed \$24,279,289; provided further, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2001 for said fiscal year or any subsequent fiscal years; provided further, that the director of said department shall review all amounts disbursed through this program in the five fiscal years previous to the effective date of this act and to recover all excess funds disbursed; and provided further, that the director shall file a report with the house and senate committees on ways and means, detailing the recovery of said overpayments and recommending alternative uses for said amounts .....	\$24,279,289
7004-9030 For	the transitional rental assistance program established pursuant to chapter 179 of the acts of 1995; provided, that notwithstanding the provisions of any general or special law to the contrary, said transitional rental assistance shall be in the form of mobile vouchers, so-called; provided further, that said vouchers shall be in varying dollar amounts and set by the department on considerations including, but not limited to, household size and composition, household income and geographic location; provided further, that any household which is proven to have caused intentional damages to their rental unit in an amount exceeding two month's rent during any one year shall be terminated from the program; provided further, that said department shall pay agencies that administer said program an allowance not	

to exceed \$25 per voucher per month for the costs of administration; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, so-called, but each household shall be required to pay not less than 25 per cent of their net income, as defined in regulations promulgated by said department, for units if utilities are not provided by the unit owner, or not less than 30 per cent of their income for units if utilities are provided by the unit owner; provided further, that payments for said transitional rental assistance may be provided in advance; provided further, that said department shall establish the amounts of the mobile vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that the amount of a rental assistance voucher payment for an eligible household shall not exceed the rent less the household's minimum rent obligation; provided further, that the word "rent" as used in this item shall mean payments to the landlord or owner of a dwelling unit pursuant to a lease or other agreement for a tenant's occupancy of the dwelling unit, but shall not include payments made by the tenant separately for the cost of heat, cooking fuel, and electricity; provided further, that said department shall submit an annual report to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers, and the number and types of units leased; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to any form of housing; provided further, that consistent with chapter 179 of the acts of 1995 the amount appropriated herein shall not annualize to more than \$4,000,000 in fiscal year 2002; and provided further, that said program shall provide funding for not more than 800 mobile vouchers ..... \$4,000,000

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7004-9102	For non-federally aided urban renewal community development; provided, that no new contracts shall be entered into during fiscal year 2001 . . . . .	\$132,500
	Local Aid Fund . . . . .	100.0%
7004-9108	For urban revitalization and development projects authorized pursuant to section 54 of chapter 121B of the General Laws; provided, that notwithstanding the provisions of sections 53 or 57 of said chapter 121B to the contrary, such funds may be provided to any agency of a city or town designated by the chief executive officer to act on behalf of the city or town; provided further, that not more than \$700,000 shall be expended for a matching grant to the city of Fitchburg for the urban renewal program; provided further, that not more than \$500,000 shall be expended for a grant to the Acre Urban Revitalization and Development Project, so-called, in the city of Lowell for redevelopment and infrastructure costs; and provided further, that no new commitments shall be entered into during fiscal year 2001 . . .	\$3,641,500
	Local Aid Fund . . . . .	100.0%
7004-9201	For interest subsidies for the private development of affordable housing; provided, that notwithstanding the provisions of any general or special law to the contrary, no new commitments shall be entered into during fiscal year 2001 for said fiscal year or any subsequent fiscal years . . . . .	\$8,166,571
7004-9315	For the low income housing tax credit program; provided, that the department may expend an amount not to exceed \$1,000,000 accrued from fees collected for the regulation of TELLER, so-called, projects undertaken pursuant to paragraph (m) of section 26 of chapter 121B of the General Laws, from fees collected pursuant to Executive Order No. 291, pertaining to low-income housing tax credits, and from fees collected pursuant to the rental housing development action loan program, for the costs of administering and monitoring said programs, including the costs of personnel, subject to the approval of the director of said department; and provided further, that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization	



or the most recent revenue estimate therefor as reported in the state accounting system, prior appropriation continued . . . \$1,000,000

*Office Consumer Affairs and Business Regulation.*

7006-0000 For the office of the director of consumer affairs and business regulation, including expenses of an administrative services unit; provided, that said office may enter into an interagency service agreement with the department of public health and the division of medical assistance for the annualized costs of the ombudsman for managed care, so-called . . . . . \$1,704,870

*Division of Banks.*

7006-0010 For the operation of the division of banks . . . . . \$10,192,747

*Division of Insurance.*

7006-0020 For the operation of the division of insurance, including the additional costs associated with maintaining accreditation by the national association of insurance commissioners, the expenses of the board of appeal on motor vehicle policies and bonds, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter 31 of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section 1 of chapter 5 of the General Laws; provided further, that the division shall maintain a phone system in its western Massachusetts office that will immediately transfer calls made to that office to the consumer assistance office in Boston during any business hours when the western Massachusetts office is closed; provided further, that the division shall have an employee or other such person answering all initial incoming telephone calls, excluding all direct in-dial calls, between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the division shall designate an employee to handle all incoming calls relative to chapter 218 of the acts of 1995 or regulations promulgated under section 2 of said chapter 218; provided further, that \$30,000 shall be expend-

ed for the appointment of the second designee of the Attorney General on the Board of Appeal of Motor Vehicle Liability Policies and Bonds; and provided further, that notwithstanding the provision of any general or special law to the contrary, not more than \$1,449,522 of the amount appropriated herein from the Division of Insurance Trust Fund shall be subject to fringe recovery pursuant to section 5D of chapter 29 of the General Laws . . . . . \$9,083,952

General Fund . . . . .	33.39%
Highway Fund . . . . .	22.26%
Division of Insurance Trust Fund . . . . .	44.35%

*Division of Professional Licensure.*

7006-0040 For the operation and administration of the division of professional licensure; provided, that of the funds appropriated herein, sufficient monies shall be expended for the reduction of case backlog at the boards of registration including, but not limited to, the board of registration in nursing; provided further, that said division shall provide a report detailing how the amount appropriated herein is projected to alleviate the complaint backlog of said division and said nursing board; provided further, that said division shall submit said report to the house and senate committees on ways and means on or before February 15, 2001; provided further, that the division shall at all times employ not less than two hearing officers to facilitate the processing of cases pending before the various boards within said division; provided further, that the position of investigator of radio and television technicians shall not be subject to chapter 31 of the General Laws; provided further, that the division shall maintain and staff an office in the city of Springfield; provided further, that \$150,000 shall be expended for the certification of pharmacy technicians by the board of registration in pharmacy; provided further, that said funding for certification of pharmacy technicians shall supplement, and shall not supplant, funding received by said board in fiscal year 2000; and provided further, that said board of registration in pharmacy shall be allocated an amount not less than the allocation it received in fiscal year 2000 plus any increases designated herein . . . . .	\$7,369,648
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7006-0050	For the costs of personnel, administration, information technology, equipment, newsletter and other essential spending of the board of registration in nursing which shall be in addition to funds made available to said board in item 7006-0040 .....	\$592,045
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*Division of Standards.*

7006-0060	For the operation of the division of standards .....	\$876,644
7006-0066	For the support of the division of standard's municipal inspection efforts; provided, that up to 15 per cent of the amount appropriated herein may be expended for administrative costs of said division .....	\$300,000
7006-0067	The division of standards is hereby authorized to expend an amount not to exceed \$338,000 from revenues received from item pricing violations collected through municipal inspection efforts .....	\$338,000

*Department of Telecommunications and Energy.*

7006-0070	For the operation and administration of the department of telecommunications and energy including the community antenna television division; provided, that notwithstanding the second sentence of the first paragraph of section 18 of chapter 25 of the General Laws, the assessments levied pursuant to said first paragraph of said section 18 of said chapter 25 for fiscal year 2001 shall be made at a rate sufficient to produce \$7,776,530; provided further, that the department shall maintain a toll free consumer access telephone number to facilitate state-wide citizen access on customer service issues in the delivery of cable television services; provided further, that said department shall submit to the house and senate committees on ways and means not later than October 15, 2000 a plan to reduce the personnel costs charged to or associated with this item; and provided further, that said plan shall identify the number of positions that the department will reduce, the title and respective duties of each position that will be reduced, and the amount of time the department will require to phase out the positions .....	\$7,776,530
7006-0080	For the operation of the transportation division .....	\$700,932
7006-0090	The department of telecommunications and energy may expend revenues collected up to \$350,000 for the operation of the energy facilities siting commission .....	\$350,000

*Alcoholic Beverages Control Commission.*

7006-0100 For the operation of the alcoholic beverages control commission; provided, that not less than 11 investigators shall be employed by the commission for the purpose of investigating and enforcing the alcoholic beverages laws of the commonwealth; and provided further, that not less than three of said investigators shall enforce underage drinking laws on a regional basis ..... \$1,547,380

*State Racing Commission.*

7006-0110 For the operation of the state racing commission ..... \$3,519,862

*Board of Registration in Medicine.*

7006-0130 For the operation and administration of the board of medicine and the committee on acupuncture; provided, that the board of registration of medicine shall prepare a semiannual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous six months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases from its Patient Care Assessment program, describing incidents involving preventable medical error, so-called, that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit said compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make said compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth; provided further, that \$249,000 shall be expended from this item for the purposes of investigating and disciplining physicians



	who represent a threat to public health or safety, and for the purpose of eliminating the open case backlog of consumer complaints and statutory reports of physician misconduct and substandard care; provided further, that the board shall submit a report to the legislature pursuant to section 438; and provided further, that in order to and in connection with eliminating such backlog, the board shall prioritize cases of greatest risk to the public, including immediate review of all complaints that include allegations of sexual misconduct . . . .	\$2,098,055
7006-0135 For	the costs of the physician profile program, so-called; provided, that in the event that expenditures and encumbrances for the purpose of this item exceed the amount appropriated herein, the comptroller is hereby authorized and directed to transfer the amount of any such deficiency from item 7006-0130 to this item to ensure that the physician profile program, so-called, is maintained throughout fiscal year 2001 . . . . .	\$245,606

*Division of Energy Resources.*

7006-1000 For	the operation of the division of energy resources . . . . .	\$1,292,248
7006-1001 For	the residential conservation service program pursuant to chapter 465 of the acts of 1980, and the commercial and apartment conservation service program pursuant to section 11A of chapter 25A of the General Laws; provided, that in order to improve the effectiveness and cost-effectiveness of the existing program, the department shall expand its telephone intake process to provide an education and information element, and shall redesign its program marketing effort to incorporate an active outreach that is more targeted to those segments with higher remaining needs for energy efficiency services, including low income and elderly households; provided further, that the division shall investigate and examine the impact of deregulated energy markets on the commonwealth's residential energy conservation services and make recommendations to improve program effectiveness and respond to consumer needs in light of current market conditions and retail competition; and provided further, that the division shall forward the results of its investigation, including legislation necessary to carry out its recommendations, to the joint committee on	

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	energy and the house and senate committees on ways and means on or before July 1, 2001 . . . . .	\$500,000
7006-1002 For	the improvement of the commonwealth's preparedness for heating oil inventory shortfalls; provided, that not less than \$75,000 shall be expended for improving the commonwealth's short-term forecasting capabilities, including the acquisition of statistical software, energy forecasting system and geographical databases; and provided further, that not less than \$75,000 shall be expended to conduct a study on the current and future petroleum supply and distribution system in new england, the impacts of said system on the common-wealth, and the feasibility of alternative heating oil allocation strategies . . . . .	\$150,000

*Department of Economic Development.*

7007-0100 For	the office of the director of the department of economic development; provided, that the secretary of economic affairs shall make every effort to ensure that said departments activities reach the most economically challenged regions of the commonwealth; provided further, that the secretary of said department will either devise or use generally accepted criteria to determine which regions of the commonwealth are the most economically challenged; and provided further, that not later than December 31, 2000, the secretary of said department shall submit to the house and senate ways and means committee a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan on how the secretary plans to increase economic activity in the most challenged regions . . . . .	\$428,479
7007-0104 For	a grant for regional economic development projects related to the Mystic Valley development commission established pursuant to section 11 of chapter 294 of the acts of 1996 . . . . .	\$800,000
	Local Aid Fund . . . . .	100.0%
7007-0300 For	the operation of the Massachusetts office of business development, and for marketing and promoting the commonwealth in order to attract and retain targeted businesses and industries; provided, that said office shall file a report with the house and senate committees on ways	

and means not later than February 15, 2001 which shall identify those companies that contact said office in response to direct mail and marketing campaigns, and which of said companies relocate to the commonwealth; provided further, that said office shall maintain business development assistance services at an office to be located at the University of Massachusetts at Dartmouth for the purposes of responding to inquiries and providing assistance to businesses seeking to expand or relocate to southeastern Massachusetts; and provided further, that an additional position shall be funded from this item in fiscal year 2001 for the coordination of state and federal grant assistance in northeastern Massachusetts for businesses and nonprofit corporations . . . . . \$3,350,201

7007-0400 For economic development grants to regional and special purpose non-profit entities to be administered by the Massachusetts office of business development; provided, that said grants shall be subject to 100 per cent matching funds, of which not less than 50 per cent shall be in the form of cash; provided further, that said organizations shall not expend more than 15 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit to said office a copy of independently audited financial statements for the three most recent fiscal years and for the current and next fiscal year, a total operating budget which shall identify each source and use of operating and capital funds, and an operating plan which shall demonstrate how said grant generates measurable economic development in the commonwealth; provided further, that not less than \$100,000 shall be expended for the Massachusetts council for quality; provided further, that not more than \$1,200,000 shall be expended as a grant to the University of Massachusetts at Dartmouth for an advanced manufacturing center in Fall River; provided further, that not more than \$239,805 shall be expended as a grant to central Massachusetts economic development authority; provided further, that not less than \$195,000 shall be expended for the center for women and enterprise; provided further, that not less than \$100,000 shall be expended for

the initiative known as the I-495 campaign for shared solutions, so-called; provided further, that no town or municipality's zoning or planning bylaws shall be superseded by any action of said campaign; provided further, that not less than \$300,000 shall be expended for the Massachusetts ventures corporation in the Pioneer Valley region corporation; provided further, that not less than \$200,000 shall be expended for the center for advanced fiberoptic applications in Southbridge; provided further, that the matching funds required of said fiberoptic center shall be from federal sources; provided further that not less than \$100,000 shall be expended for the cape cod economic development council, Inc.; provided further, that not more than \$150,000 shall be expended as a grant to the Martin Luther King Jr. Empowerment center in the city of Worcester; provided further, that not less than \$525,000 shall be expended for minority economic and community development public and non-profit grants to community-based organizations for implementation within minority communities; provided further, that said office of business development shall submit to the house and senate committees on ways and means a schedule of grants distributed to said community-based organizations from this item not later than September 1, 2000; provided further, not less than \$75,000 be expended as a grant to the friendly house center of Worcester; provided further, that not more than \$250,000 shall be expended for the economic development activities of the Berkshire council for growth; provided further, that not less than \$75,000 shall be expended as a grant to the Mason Square community development corporation in Springfield; provided further, that not more than \$100,000 shall be expended for a feasibility study to determine the costs of constructing a multi-use, recreational/entertainment facility in the city of Pittsfield to assist said city in its downtown development efforts; provided further, that said study shall be conducted by the Massachusetts development finance agency; provided further, that said study shall include recommendations on the need for local matching funds to finance said project; provided further, that said agency shall determine the demand, environmental impact;



the optimal location; the traffic design and parking requirements for said facility; provided further, that said agency shall evaluate the potential impacts of said facility on the tourism industry within the Berkshire county; provided further, that said agency shall file said study with the clerk of house of representatives and the clerk of the city of Pittsfield by December 31, 2000; provided that not less than \$100,000 shall be expended as a grant to the Springfield area council for excellence for outreach to Pioneer Valley businesses; provided further, that not less than \$80,000 shall be expended as a grant for economic development activities of the Blackstone Valley development; provided further, that not less than \$200,000 shall be obligated to the western Massachusetts precision institute; provided further, that not less than \$250,000 shall be expended for the Massachusetts fisheries recovery commission; provided further, that not more than \$250,000 shall be expended for the Taunton redevelopment authority; provided further, that not less than \$25,000 shall be expended for aqua-culture development operated by vocational high schools serving coastal communities; provided further, that \$2,000,000 shall be made available to the south shore tri-town development corporation to match a \$1,000,000 federal grant by the economic development administration of the United States department of commerce and for redevelopment costs including, but not limited to, engineering design, evaluation, and environmental impact reports; provided further, that not more than \$100,000 shall be granted to the cyber district task force, so-called, of the city of Haverhill for use in developing a tech center proposal; and provided further, that not less than \$250,000 shall be expended for the Merrimack valley economic development council ..... \$6,864,805

7007-0500 For the operation and maintenance of the Massachusetts biotechnology research institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth ..... \$1,000,000

7007-0515 For grants to be allocated by the department in support of regional redevelopment projects in the commonwealth; provided, that \$175,000 shall be expended for a grant to the

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	devens enterprise commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient by July 1, 2002; and provided further, that not less than \$300,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998 . . . . .	\$475,000
7007-0525 For	a grant to the communities of Ayer, Harvard, Lancaster and Shirley in order to conduct a progress review of the status of the redevelopment effort at Fort Devens . . . . .	\$75,000
7007-0800 For	a grant for the state match for a small business development center; provided, that no funds shall be expended from this item until such time as the United States small business administration has made a payment or has executed a contract to pay the University of Massachusetts at Amherst for the operation of said center; provided further, that the funds expended from this item shall not exceed 25 per cent of the gross operating cost of said center; provided further, that not more than \$300,000 of the amount appropriated herein shall be expended for the purpose of operating federal procurement technical assistance services within said center; provided further, that said services, shall include, but not be limited to, assisting businesses in securing federal contracts, obtaining contract financing, generating responses to requests-for-proposals, interpreting bid documents, providing educational work-shops and seminars, and the electronic identification and tracking of federal bid opportunities; provided further, that the expenditure of said \$300,000 shall be subject to the receipt of matching funds from federal or private sources including the department of defense; and provided further, that quarterly expenditure reports shall be filed with the house and senate committees on ways and means . . . . .	\$1,196,448
7007-0900 For	the operation and administration of the office of travel and tourism; provided, that performance-based standards shall be incorporated in all contracts executed by said office for the procurement of tourism marketing and advertising services; provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administra-	

tion; provided further, that expenditures on international and domestic promotion and administration shall be separately accounted for in MMARS, so-called; provided further, that said office shall be required to make travel arrangements for all international travel not less than seven days prior to departure; provided further, that said office shall dedicate one full-time equivalent employee to the advisory commission on travel and tourism; provided further that said office shall make every effort to develop tourism in under-visited regions of the commonwealth; and provided further, that no later than December 31, 2000, the director of said agency shall submit to the house and senate ways and means committees a detailed report which shall include, but not be limited to, the number of visitors to each region of the commonwealth, the amount of tourism dollars spent by those visitors, the tourist attractions in each region where those dollars are spent, a ranking of regions by total number of tourists and by total amount of tourism dollars spent, and a targeted plan to help devise tourism activity in the most under-visited regions, including, but not limited to, marketing efforts, tourist venue and attraction development, and any additional information that will help generate tourism activity in those regions . . . . . \$10,428,986

Massachusetts Tourism Fund . . . . . 100.0%

7007-0920 For a grant to sail Boston 2000 . . . . . \$750,000

7007-0950 For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism for tourism promotion; provided, that said organizations shall not expend more than 20 per cent of any grant for the cost of administrative services; provided further, that said organizations shall be required, as a condition of receiving said grant, to submit a total operating budget which shall identify each source and use of operating and capital funds; provided further, that said grants shall not replace or supplant funding otherwise available to said centers from local chambers of commerce, so-called, regional tourist councils, so-called, and other public or private funding sources; provided further, that not more than \$200,000 shall be expended as a grant for the bay state games, so-called; provided further, that notwithstanding the provisions of any general or special law to the contrary, a grant of

\$250,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in southeastern Massachusetts; provided further, that \$500,000 of the amount appropriated herein shall be allocated to the department of highways through an interagency service agreement for the purposes of installing and enhancing informational and directional tourism signage on state highways; provided, that said department shall consult with said office and the department of economic development in identifying priority locations for signage that will facilitate the ease of travel and convenience for visitors to the common-wealth; provided further, that the department of highways under the direction of the department of economic development shall install such signage as is required to direct visitors to the state veteran's cemetery in Agawam; provided further, that said departments shall collaborate on a report to be submitted to house and senate committees on ways and means not later than January 12, 2001 that shall detail signage improvements projected to be made from said amount and additional priority locations for which signage improvements are needed; provided further, that not more than \$500,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2001 for the highway information centers operating year round on state highways and federally-assisted highways, and the visitor information centers on boston common and the prudential center, both in the city of Boston; provided further, that not more than \$250,000 shall be expended for the creation of the Marlborough visitors bureau; provided further, that not more than \$20,000 be expended for the protection of the biodiversity of the daniels farm property in Blackstone by way of a complete inventory of its diverse habitat; provided further, that not more than \$40,000 shall be expended as a grant for the Cape Cod chamber of commerce visitors information network system; provided further, not less than \$30,000 shall be expended as a grant to the south shore chamber of commerce regional tourism initiative; provided further, that not less than \$40,000 shall be expended as a grant for the newly constructed Pioneer Valley visitors and



tourist information center; provided further, that said grant shall not replace or supplant funding otherwise available to said center from local chambers of commerce, so-called, regional tourist council, so-called and public or private funding sources; provided further, that not more than \$30,000 shall be expended as a grant to the 22<sup>nd</sup> Massachusetts volunteer infantry for a reproduction civil war cannon and necessary support equipment; provided further that not more than \$175,000 shall be expended as a grant for the historic memorial hall in the town of Plymouth; provided further, that not more than \$20,000 shall be expended as a grant for the drummer boy park in the town of Brewster; provided, further, that not less than \$250,000 shall be expended as a grant for the freedom's way heritage association; provided however, that said grant shall not be made available until the federal government has appropriated the sum of \$1,000,000 as matching funds; provided further, that not more than \$75,000 shall be expended for the installation of a memorial of the American soldiers serving as liberators in world war II at the Massachusetts holocaust memorial, so-called, in the city of Boston, contingent upon a matching grant by the Massachusetts holocaust memorial committee; provided further, that not more than \$200,000 shall be expended as a grant to the John F. Kennedy museum in Hyannis to replace the HVAC system, so-called; provided further, that not more than \$50,000 shall be expended as a grant for the 275<sup>th</sup> anniversary of the town of Kingston; provide further, that not more than \$250,000 shall be expended as a grant for the Iwo Jima memorial in Fall River; provided further, that not more than \$12,500 be expended on a matching grant basis for the beautification initiative of Route 6 by the cape cod chapter of the New England wildflower society; provided further, that not more than \$30,000 shall be expended for the restoration of the walnut square school clock tower in the city of Haverhill; provided further, that not more than \$50,000 shall be expended as a grant to the town of Haverhill to maximize said town's tourism industry; provided further, that not more than \$75,000 shall be expended as a grant to the town of North Andover for the purpose of making improvements to the historic old center district, so-

called; provided further, that not more than \$100,000 shall be expended for beachfront improvements and for other necessary improvements in order to promote tourism and economic growth at smith beach in the town of Braintree; provided further, that not more than \$20,000 shall be expended for the erection of plaques to memorialize the more than 5,000 names of the fishermen lost at sea in Gloucester; provided further, that not more than \$20,000 shall be expended for a statue to honor fisherman's wives to be erected in Gloucester; provided further, that no less than \$25,000 shall be expended for the general maintenance, repairs, and landscaping for the Auburn historical museum property and parking area in the town of Auburn; provided further, that \$50,000 shall be expended as a grant to the town of Maynard for the installation of historically accurate lighting fixtures in the town center; provided further, that no less than \$50,000 shall be expended for restoration, repair and renovation of the angle tree stone monument in the town of North Attleborough; provided further, that \$50,000 shall be expended as a grant to the town of Freetown for the development of recreational and tourism facilities located at central park, so-called; provided further, that not less than \$250,000 be expended for the renovation of the national marine life center in Buzzards Bay; provided further, that not less than \$250,000 shall be expended for a grant for the whaling museum in the city of New Bedford; provided further, that no less than \$125,000 shall be expended for the city of Boston office of cultural affairs; provided further, that no more than \$100,000 shall be expended for the Springfield tourist information center; provided further, than not more than \$30,000 shall be expended to the Johnny Appleseeds trail association for 24 hour restroom access to the state highway route 2 visitor center in Lancaster; provided further, that not less than \$50,000 shall be expended for the renovation of the Wampanog tribal museum in Mashpee; provided further, that not less than \$30,000 shall be expended for the promotion of tourism in Wrentham; provided further, that a grant for not less than \$450,000 shall be expended for costs incurred by the Mass-achusetts sports partnership, Inc.; provided further, that not more than \$50,000 shall be granted to the town of Mills for the preser-

ation of the niagara hall building; provided further, that not more than \$20,000 shall be expended to conduct a feasibility study for the Walter Baker chocolate walk in the town of Milton and the section of the city of Boston known as Dorchester lower mills; provided further, that not more than \$25,000 shall be expended as a grant to the town of Salisbury to maximize said town's tourism industry; provided further, that not more than \$100,000 shall be expended for the freedom trail foundation; provided further, that not more than \$10,000 shall be expended for the feast of the three saints in the city of Lawrence; provided further, that not more \$35,000 shall be expended for the cultural arts alliance, so-called, in the town of Hopkinton; and provided further, that not more than \$35,000 shall be expended for the New Bedford art museum ..... \$5,547,067

Massachusetts Tourism Fund ..... 100.0%

7007-0970 For the administration of the Massachusetts film office to be funded through the office of travel and tourism; provided, that not less than \$130,000 of the amount appropriated herein shall be expended for advertising and promoting motion picture film production in the commonwealth, of which \$30,000 shall be expended for a south coast promotional program, so-called; provided further, that said film office shall do outreach to all cities and towns in the commonwealth to identify and locate possible locations to be included in the fee-free location program, so-called; and provided further, that said office shall report to the house and senate committees on ways and means on or before January 15, 2001 a list of the communities and locations that have been added to said program since July 1,1999 ..... \$650,000

Massachusetts Tourism Fund ..... 100.0%

7007-1000 For assistance to local tourist councils pursuant to section 14 of chapter 23A of the General Laws; provided, that notwithstanding the provisions of any general or special law, regulation or rule to the contrary, each of said councils may expend an amount not to exceed 20 per cent of the grant it receives herein for the cost of administrative services ..... \$7,899,750

Massachusetts Tourism Fund ..... 100.0%

7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of

technology-intensive clusters, so-called, for the commonwealth; provided, that such clusters may be characterized by technological or market focus, geographic proximity, or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to (1) foster increased collaboration among cluster organizations; (2) facilitate improved communications between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through one or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated herein shall be expended to the Massachusetts technology park corporation to be held and applied thereby and administered through its Massachusetts technology collaborative, provided further that the cyber district, so-called, in the city of Haverhill, shall be analyzed as a potential location for such technologically-intensive clusters technology collaborative as the successor in interest to the microelectronics center; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated herein; and provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein by January 15, 2001 . . . . . \$900,000

7007-1300 For the operation of the Massachusetts international trade council; provided, that said office shall dedicate not less than two full-time trade specialists to the Massachusetts export center, so-called; provided further, that one of said specialists shall operate within said center in the city of New Bedford; and provided further, that not less than \$165,000 shall be expended for a grant to the international trade assistance center in Fall River, so-called . . . . . \$1,247,329

Massachusetts Tourism Fund . . . . . 100.0%



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7007-1500 For the operation and administration of the state office of minority and women business assistance; provided, that said office shall administer an electronic business certification application which shall be accessible to business applicants through use of the Internet, provided further, that said office shall ensure the integrity and security of personal and financial information transmitted by said electronic application; provided further, that said office shall, using all existing available resources, provide certification services within each of the one-stop regional assistance centers, so-called, of the Massachusetts office of business development; and provided further, that said office shall develop and implement measures and procedures to continue to improve the efficiency and the timeliness of the certification process ..... \$684,445

**DEPARTMENT OF EDUCATION.**

7010-0005 For the operation of the department of education; provided, that not less than \$300,000 shall be expended for staff and support services for the education reform and review commission established pursuant to section 79 of chapter 71 of the acts of 1993; provided further, that the education reform and review commission shall, among its other activities, study whether there should be an alternative method developed for assessing the competency and occupational proficiency of students enrolled in approved chapter 74 vocational education programs, including timelines for competency determinations; and provided further, that not less than \$150,000 shall be expended for the office of school readiness ..... \$10,405,256

7010-0012 For grants to cities, towns; or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to a city, town, or regional school district shall be limited to actual and specifically incurred documented incremental costs including those costs pursuant to chapter 71B of the General Laws as a direct consequence of participation in the program whenever the reimbursements requested by such city, town, or regional school district exceed the level of reimbursement received in fiscal year 1977; provided further, that for fiscal year 2001, notwithstanding the provisions of

	any general or special law to the contrary, the department shall calculate grant amounts to ensure that participating districts receive \$2,880 per pupil in addition to actual transportation costs; provided further, that \$155,569 shall be expended to provide transitional aid to ensure that no participating district receives a fiscal year 2001 grant award that is less than the amount provided in fiscal year 2000; provided further, that said transitional aid shall not be considered part of the per pupil grant distribution; provided further, that the division of elementary, secondary, and occupational education shall, through a competitive procurement process, contract with qualified school transportation business enterprises; and provided further, that \$957,820 shall be made available for payment for services rendered by METCO, Inc. and Springfield Public Schools	\$15,319,156
	Local Aid Fund	100.0%
7010-0016	For the attracting excellence to teaching program established pursuant to section 19A of chapter 15A of the General Laws	\$1,200,000
	Local Aid Fund	100.0%
7010-0017	For grants to charter schools; provided, that the board of education may award grants to charter schools established pursuant to section 89 of chapter 71 of the General Laws; provided further, that said grants shall be awarded to support costs associated with planning and development of said schools and for the leasing or construction of school facilities; provided further, that charter schools shall submit requests for said grants to the board of education; and provided further, that grants shall be awarded pursuant to guidelines developed by said board	\$2,847,290
	Local Aid Fund	100.0%
7010-0042	For grants to cities, towns, or regional school districts for the cost of providing magnet educational programs in accordance with the provisions of sections 37I and 37J of chapter 71 of the General Laws; provided, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriations, notwithstanding the	

	provisions of any general or special law to the contrary; provided further, that any portion of this appropriation may be expended by the state board of education to purchase the services of magnet educational programs; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . .	\$4,800,000
	Local Aid Fund . . . . .	100.0%
7010-0043 For	grants for the equal education improvement fund for cities, towns, or regional school districts pursuant to the provisions of section 11 of chapter 15 of the General Laws; provided, that notwithstanding the provisions of said section 11 of said chapter 15 or section 37D of chapter 71 of the General Laws, pupils qualifying for funding under the equal education improvement fund shall also include those of Hispanic and southeast Asian origin; provided further, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special laws to the contrary; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein . . . . .	\$8,448,000
	Local Aid Fund . . . . .	100.0%
7027-0002 For	the commonwealth's share of the second year local assessments for the Essex independent agricultural and technical institute, so-called, pursuant to section 17 of chapter 34B of the General Laws . . . . .	\$656,268
	Local Aid Fund . . . . .	100.0%
7027-0016 For	matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the department of labor and workforce development; provided further, that any funds distributed from this item to cities, towns, or regional school districts shall be deposited with the treasurer of such city, town, or regional school district and held in a	

separate account and shall be expended by the school committee without further appropriation, notwithstanding the provisions of any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that not more than \$735,400 shall be made available for the state's matching grant for the CS-squared program, so-called, at the corporation for business, work, and learning; and provided further, that not less than \$1,124,950 shall be made available to jobs for bay state graduates, Inc., so-called, for the purpose of school-to-work activities and provided further, that \$47,750 shall be made available to the Blue Hills regional vocation school for the Blue Hills School to Careers Partnership to fund a Teacher Externship Program and a Student Internship program . . . . . \$2,084,400

Local Aid Fund . . . . . 100.0%

7027-1000 For the state matching requirement of the partnerships advancing learning mathematics and science and the community service projects . . . . . \$2,057,621

Local Aid Fund . . . . . 100.0%

7028-0031 For the expenses of school age children in institutional schools pursuant to section 12 of chapter 71B of the General Laws; provided, that the department is authorized to provide special education services to eligible inmates in county houses of correction . . . . . \$9,309,164

Local Aid Fund . . . . . 100.0%

7028-0302 For the educational expenses of certain school aged children with special needs attending schools pursuant to section 10 of chapter 71B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father, mother or guardian living in the common-wealth, and for expenses relating to the provision of special education to certain children transferred by other state agencies to the department of education; provided, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for



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	the purpose of this item to exceed the amount appropriated herein . . . . .	\$3,829,424
	Local Aid Fund . . . . .	100.0%
7030-1000 For	grants to cities, towns, regional school districts, educational collaboratives, head start programs, and licensed day care providers for early care and education programs, pursuant to the provisions of section 54 of chapter 15 of the General Laws; provided, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that notwithstanding said section 54 of said chapter 15, school districts and head start agencies that served as lead agencies in fiscal year 2000 shall receive the same amounts, subject to the same conditions as in said fiscal year; provided further, that in any city or town in which there was only one lead agency in fiscal year 1995, such lead agency shall serve as lead agency to submit proposals pursuant to said section 54 of said chapter 15; provided further, that in addition to services provided by head start pursuant to this item in fiscal year 1999, not less than an additional \$2,000,000 shall be made available for services provided by head start agencies, including but not limited to expansion of the number of days of service for the head start school year pursuant to the provisions of said section 54 of said chapter 15 in fiscal year 2001; provided further, that the department shall not enter into any grants that would cause annualized costs for this item to exceed the amount appropriated herein; provided further, that the amount by which the funds appropriated in this item exceed the amount appropriated in item 7030-1000 of chapter 60 of the acts of 1994 shall be used to provide services to the children of working parents; provided further, that in allocating said funds and evaluating grant applications, the board of education shall give priority consideration to three and four year old children in cities and towns where high concentrations of low income working families reside; provided further, that not less than one-third of the total slots funded	

by said amount by which the funds appropriated in this item exceed the amounts appropriated in said item 7030-1000 of said chapter 60 shall be for full-day, full-year care that meets the needs of working parents; provided further, that notwithstanding the provisions set forth herein or any general or special law to the contrary, funds may be allocated for services which shall be provided to three and four year old children formerly on the wait list maintained by the office for child care services; provided further, that the department of education shall ensure that community partnership lead agencies collaborate with the department of education and the office for child care services to provide services for said children; provided further, that said children shall retain priority status for future services available through said office upon attaining the age of five, notwithstanding the receipt of services funded through this item; provided further, that in addition to funds provided to family networks, so-called, pursuant to this item in fiscal year 1999, not more than an additional \$2,000,000 shall be made available for family networks; provided further, that \$250,000 shall be made available from this item for a pilot program that involves students from the University of Massachusetts at Lowell and Community Teamwork, Inc. in the provision of child care services; provided further, that \$675,000 of the amount appropriated herein may be expended for the administration of community partnerships for children and for the administration of family networks; provided further, that \$3,000,000 shall be expended in grants for the home-based parenting and family literacy program known as the Parent-Child Home Program; provided further, that the department of education shall distribute said grants to expand capacity at existing Parent-Child Home Program sites in the commonwealth and to establish replication Parent-Child Home Program sites in cities and towns where high concentrations of low income families reside; provided further, that for grants awarded to establish said replication sites, the department shall consider applications from school districts or social service agencies who demonstrate the capacity to replicate said home visiting program to serve area low income families; and provided

further, that preference for said grants shall be given to applicants who demonstrate a commitment to maximize available federal and local funding for the operation of said replication site ..... \$114,551,675

Local Aid Fund ..... 54.57%

Transitional Aid to Needy Families Fund .. 45.43%

7030-1002 For kindergarten development grants to provide ongoing grant awards to continue quality enhancement of existing full day kindergarten classrooms and to encourage the transition of half day classrooms into full day kindergarten classrooms; provided, that the office for school readiness shall administer a grant program to encourage the voluntary expansion of high quality, full day kindergarten education throughout the commonwealth; provided further, that grants of not more than \$18,000 per classroom shall be made available to public schools for the enhancement of existing full day kindergarten classrooms and for the transition of existing half day kindergarten classrooms into full day kindergarten classrooms; provided further, that said grants shall be awarded pursuant to guidelines established by the department relative to the application and award process which shall include eligibility criteria, allowable grant expenditures and grant recipient obligations; provided further, that guidelines for transition grants shall require applicants for such grants to identify obstacles that impede the transition to full day kindergarten; provided further, that said guidelines shall require grant recipients to identify the anticipated date by which the implementation of quality enhancement or transition projects shall commence; provided further, that said guidelines shall detail the range of permissible grant expenditures which shall include, but not be limited to, the expenditure of funds for facility improvements or other expenses necessary to provide adequate space for the transition from half day kindergarten classrooms into full day kindergarten classrooms; provided further, that grants funded through this appropriation shall not annualize to more than \$18,000 per classroom in subsequent fiscal years; provided further, that preference shall be given to grant applicants with high percentages of students scoring in levels 1 or 2 on the Massachusetts com-

prehensive assessment system exam, so-called, as determined by the department based on available data; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement and shall not supplant currently funded local, state and federal programs at the school or district; provided further, that not later than December 15, 2000, said department shall report to the house and senate committees on ways and means on the total number of enhancement and transition grants requested and awarded; provided further, that said report shall detail common factors associated with both successful and unsuccessful applications and shall include the total number of full day and half day kindergarten classrooms projected to be in operation in Massachusetts public schools in fiscal year 2002; provided further, that funds appropriated herein for transition grant awards may be expended through August 31, 2001 for the purposes of transition projects scheduled for the school year beginning in September, 2001; and provided further, that the department may expend not more than \$200,000 to administer the grants program established herein . . . . . \$28,000,000

Local Aid Fund . . . . . 100.0%

7030-1003 For the John Silber early literacy program to promote school-wide literacy education and to promote literacy among children entering primary education in the commonwealth; provided, that the office for school readiness shall administer said early literacy grant program to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible, which shall include reading teacher grants and school-wide literacy education grants; provided further, that amounts awarded as reading teacher grants shall fund the salaries of not more than one reading teacher for every 90 students enrolled in the first grade; provided further, that reading teacher grants



shall be awarded contingent upon a commitment by prospective recipients to implement, within two years of the date on which such grant was first awarded, a school-wide early literacy education program for kindergarten through grade five as described herein; provided further, that said school-wide literacy education grants shall fund grant awards to support school-wide early literacy education programs for grades K through 5, provided further, that such school-wide literacy education programs shall provide for the evaluation and tracking of all students' reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall include a home book program or other program for parental involvement in reading and writing instruction, shall be led by a school based planning team which includes teaching faculty and the school principal, and shall include a school-wide literacy coordinator who shall be a full-time teacher responsible for the coordination and training of other school staff; provided further, that such school-wide early literacy grants may include funding for up to one-half of the salary of the literacy coordinator and shall be targeted for elementary schools with low cumulative grade four MCAS scores, so-called; provided further, that the department shall establish guidelines for said grant programs, which shall include provisions to prorate grants to schools for reading teachers hired or compensated for less than the full 2000-to-2001 school year; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that not less than \$10,000,000 shall be expended for pilot school wide literacy education programs modeled after existing literacy education programs identified by the office of school readiness, including but not limited to, a literacy education program operated in the state of Alabama, known as the Alabama Reading Initiative, so-called; provided further, that such pilot school-wide literacy

education programs shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall otherwise be consistent with the overall purpose of this item; provided further, that in its evaluation of applications for such pilot programs, said office may take into consideration schools cumulative grade 4 MCAS scores; provided further, that not more than \$500,000 shall be made available for matching grants to fund the Reach Out and Read program, so-called, to provide books to at-risk children in the commonwealth through book distribution programs established in community health centers, medical practices and hospitals for at risk children; provided further, that the funds distributed through the reach out and read program shall be contingent upon a match of not less than one dollar in private or corporate contributions for every dollar in state funding distributed through said grant program; and provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided, that \$385,000 shall be expended for JFY.net, so-called, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies . . . . . \$20,125,000

Local Aid Fund . . . . . 100.0%

7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long term results, including identifying students in need of additional help no later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results . . . . . \$3,000,000

Local Aid Fund . . . . . 100.0%

7030-1500 For grants to head start programs . . . . . \$6,829,048

Local Aid Fund . . . . . 100.0%

7032-0500 For grants to cities and towns and regional school districts for school-based comprehensive health education and human services in schools; provided, that any funds distributed from this item shall be deposited with the treasurer of such

city, town, or regional school district and held in a separate account and shall be expended without further appropriation by the school committee; provided further, that not more than 1 per cent of the amount appropriated herein shall be expended for administrative costs; provided further, that \$1,400,000 shall be expended on the school linked services program; provided further, that the commissioner of education shall file a report on the distribution of all funds appropriated herein with the joint committee on education and the house and senate committees on ways and means not later than October 13, 2000; provided further, that not more than \$950,000 shall be expended for teen dating violence prevention and that not more than \$450,000 of these same teen dating violence prevention funds shall be made available for contracts with community based victim service providers for the provision of intervention services for high-risk youth; provided further, that not less than \$37,500 shall be expended for the North Quabbin Domestic Violence Prevention Program; provided further, that not less than \$750,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education; and provided further, that not more than \$25,000 shall be expended for a state-wide diabetes awareness program . . . . . \$11,619,061

Health Protection Fund . . . . . 100.0%

7035-0002 For grants to provide and strengthen adult basic education services, including reading, writing and mathematics, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services, and that are selected competitively by the department of education; provided, that such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree granting programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by said department; provided further, that in no case shall grants be considered an entitlement to a grant recipient; provided further, that said department shall consult with the community colleges and other service providers in establishing and implementing content,

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	performance and professional standards for adult basic education programs and services; and provided further, that not more than 7.5 per cent of the funds appropriated herein may be expended for non-grant purposes . . . . .	\$34,116,433
	Local Aid Fund . . . . .	100.0%
7035-0003 For	allocation to Training Innovations, Inc. to develop a skill training center in the city of Cambridge to work directly with students enrolled in the Cambridge public schools, undertrained workers, and interested businesses . . . . .	\$225,000
7035-0004 For	reimbursements to cities, towns, regional school districts, and independent vocational schools for certain expenditures for transportation of pupils pursuant to section 1I of chapter 15 of the General Laws, sections 7A, 7B and 37D of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, section 14 of chapter 71B of the General Laws and section 8A of chapter 74 of the General Laws; provided, that of the amount appropriated herein, not less than \$1,500,000 shall be obligated for the implementation of chapter 663 of the acts of 1983; provided further, that any city, town or regional school district or independent vocational school which has not accepted the provisions of chapter 663 of the acts of 1983 shall be ineligible for any reimbursement of costs incurred during fiscal year 2000 under this item or for reimbursement of such costs under any of the provisions of the general law referred to herein; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein . . . . .	\$57,600,000
	Local Aid Fund . . . . .	100.0%
7035-0006 For	reimbursements to regional school districts for the transportation of pupils; provided, that notwithstanding the provisions of any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein; provided further, that the amount appropriated herein shall constitute the full funding of this item, as determined by the department of education; provided further, that upon receipt by the department of education of required transportation cost reports from regional school districts, said department shall reimburse 50 per cent of the amount such districts received from this item	



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	in fiscal year 2000; and provided further, that said reports shall meet criteria established by the department of education . . . . .	\$48,684,734
	Local Aid Fund . . . . .	100.0%
7051-0015	For the administration of the emergency food assistance program . . . . .	\$1,000,000
	Local Aid Fund . . . . .	100.0%
7052-0003	For school building assistance grants and reimbursements for projects to eliminate racial imbalance under the provisions of chapter 645 of the acts of 1948, for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under the provisions of said chapter 645 shall not exceed \$16,907,895; provided further, that projects on the fiscal year 2000 priority lists ranked through number 16 shall be given priority before any other projects; and provided further, that a report shall be filed semi-annually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to the provisions of this item . . . . .	\$10,510,945
	Local Aid Fund . . . . .	100.0%
7052-0004	For school building assistance grants and reimbursements for cities and towns not subject to court-ordered or board of education racial imbalance plans under the provisions of chapter 645 of the acts 1948 for first annual payments on school projects; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under the provisions of said chapter 645 in the fiscal year ending June 30, 2001 shall not exceed \$34,735,755; provided further, that projects on the fiscal year 2000 priority lists ranked through number 122, inclusive, shall be given priority before any other projects; and provided further, that a report shall be filed semiannually by the board of education with the house and senate committees on ways and means regarding funding commitments pursuant to the provisions of this item . . . . .	\$46,015,190
	Local Aid Fund . . . . .	100.0%
7052-0005	For grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948	

	for annual payments on the accounts of school projects for which first annual payments have been made	\$268,117,348
	Local Aid Fund	100.0%
7052-0006 For	grants and reimbursements to cities, towns, regional school districts and counties under chapter 645 of the acts of 1948 for (a) educational, engineering, and architectural services for school districts, (b) surveys made of school building needs and conditions, (c) matching stabilization fund payments, (d) costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs, and (e) payments associated with admission to a regional school district	\$46,206
	Local Aid Fund	100.0%
7052-0007 For	grants and reimbursements to cities, towns, regional school districts and counties for the purposes of the school building assistance program under chapter 645 of the acts of 1948; provided, that of the amount appropriated herein, the board of education may authorize one-time payments of the total reimbursement due to cities and towns for school buildings that are structurally unsound or otherwise in a condition jeopardizing the safety of school children	\$755,695
	Local Aid Fund	100.0%
7053-1909 For	reimbursements to cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter 538 of the acts of 1951, and for supplementing funds allocated for the special milk program; provided, that notwithstanding the provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act	\$5,426,986
	Local Aid Fund	100.0%
7053-1925 For	the school breakfast program; provided, that of the sum appropriated herein, not less than \$300,000 shall be expended for the summer food service outreach program and not less than \$200,000 shall be expended for the school breakfast	

outreach program, including reimbursement of municipal expenses, prior appropriation continued . . . . . \$2,530,443  
Local Aid Fund . . . . . 100.0%

7053-1927 For a program to promote a universal feeding approach for school breakfasts, whereby all children in schools receiving grants under said program shall be provided nutritious breakfasts without regard to their eligibility to receive free or reduced-price breakfasts as authorized under the federally funded school breakfast program, so-called; provided, that participation shall be limited to those elementary schools mandated to serve breakfast pursuant to section 1C of chapter 69 of the General Laws; provided further, that the department of education shall award grants under said program by soliciting proposals from school districts eligible to participate in said program; provided further, that said department shall make geographical distribution of said grants a factor in its grant decisions; provided further, that said department shall attempt to have different models represented by the selected programs including, but not limited to, making breakfast part of the school day, improved transportation to the breakfast program and eliminating administrative barriers; provided further, that such grants shall only be awarded to school districts which can reasonably demonstrate their intent to increase participation in said program by a minimum of 15 per cent over current levels during a two year period; provided further, that said department shall require sufficient reporting from each grantee to measure the success of said program; provided further, that said department shall select school sites for programs authorized by this item no later than November 15, 2000 and shall report to the house and senate committees on ways and means on the preliminary results of such grants no later than February 1, 2001; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services . . . . . \$3,085,360  
Local Aid Fund . . . . . 100.0%

7053-1928 For grants which encourage school districts to increase participation in the federally funded school breakfast program, so-

called, by demonstrating innovative and replicable ways to remove barriers to increased participation in said program; provided, that such grants shall be prioritized to districts with high levels of students who are eligible for free or reduced priced meals; provided further, that the department of education shall, in developing criteria for selection of such grants, consider how each proposal attracts students of all income levels, increases awareness of said program, addresses time and schedule conflicts, examines space problems, addresses supervision issues, examines transportation schedules, promotes varied and nutritious menus, promotes the relationship between breakfast, nutrition and serious academic learning and involves all school constituencies; provided further, that such grants shall only be awarded to school districts which can reasonably demonstrate their intent to increase participation in said program by a minimum of 10 per cent over current levels during a two year period; provided further, that said department shall require sufficient reporting from each grantee to measure the success of such grant program; and provided further, that said department shall award grants authorized by this item no later than November 15, 2000 and shall report to the house and senate committees on ways and means on the preliminary results of these grants not later than February 1, 2001; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services . . . . . \$1,000,000

Local Aid Fund . . . . . 100.0%

7053-1929 For a grant program to improve summer food programs during the summer school vacation period; provided, that priority shall be given to extending such programs for the full summer vacation period and promoting increased participation in such programs; provided further, that the department of education shall solicit proposals from returning sponsors and school food authorities in time for implementation of such grant program during the summer of 2001; provided further, that such grants shall only be awarded to sponsors who can demonstrate their intent to offer full summer programs or increase participation; provided further, that said



department shall require sufficient reporting from each grantee to measure the success of such grant program; provided further, that said department shall select grantees for the program authorized by this item not later than March 30, 2001 and shall report to the house and senate committees on ways and means on the projected impact of these grants not later than April 30, 2001; provided further, that nothing herein shall give rise to enforceable legal rights in any party or an enforceable entitlement to services; and provided further, that nothing stated herein shall be construed as giving rise to enforceable legal rights or enforceable entitlement to any services ..... \$695,000  
Local Aid Fund ..... 100.0%

7053-1940 For a payment of \$535,000 to the city of Northampton for costs incurred relative to the Clarke School, so-called; provided, that not less than \$350,000 shall be allocated for a payment to the town of Framingham for the educational costs associated with the Learning Center, so-called ..... \$885,000  
Local Aid Fund ..... 100.0%

7061-0008 For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to the provisions of chapters 70 and 76 of the General Laws and section 3; provided, that notwithstanding the provisions of said section 3, each school district which receives aid from this item in fiscal year 2001 shall expend from such aid not less than \$125 per student on professional development expenditures as defined in regulations of the department of education; provided further, that \$150,000 of the funds allocated from this item to the city of Lawrence by said section 3 shall be transferred to the University of Massachusetts at Lowell for its college preparation program; provided further, that \$42,570,481 shall be transferred from item 7061-9100 and credited to this item; provided further, that said \$42,570,481 shall not be subject to the provisions of subsection (b) of section 12 of chapter 70 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, no school district shall receive less than \$175 per student in chapter 70 aid, so-called, in fiscal year 2001; provided further, that said

aid shall be in addition to the \$150 per student aid authorized and made available in item 7061-0008 of section 2 of chapter 127 of the acts of 1999; provided further, that notwithstanding the provisions of any general or special law to the contrary, the department shall promulgate regulations, not later than September 15, 2000, which shall require school and district professional development reports which shall detail professional development activities, programs and courses funded through this item and item 7061-9100; provided further, that such reports shall identify specific professional development activities, courses or program type and specific school level information on the participation in such programs; provided further, that such regulations shall establish minimum professional development expenditures for literacy education instruction for elementary school teachers; provided further, that such regulations shall require professional development reports to include actual prior year professional development actual expenditures and programmatic detail and projected expenditures and programmatic detail for the current fiscal year; and provided further, that not later than December 15, 2000 the department of education shall report to the house and senate committees on ways and means on school and district professional development spending ..... \$2,947,826,307

Local Aid Fund ..... 100.0%

7061-0009 For reimbursement to cities, towns, and regional school districts of public school tuition of any school age child placed in a school district other than a home town by, or under the auspices of, the department of transitional assistance or the department of social services pursuant to section 96 of chapter 71 of the acts of 1993; provided, that such reimbursement shall constitute complete satisfaction of the commonwealth's obligation for tuition payments to cities, towns, or regional school districts for school aged children placed by, or under the control of, the department of transitional assistance or the department of social services under the provisions of sections 7 and 9 of chapter 76 of the General Laws, other than in a home town ..... \$17,510,058

Local Aid Fund ..... 100.0%

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7061-0011 For a reserve to (1) meet unanticipated or extraordinary increases in the minimum required local contribution of a municipality as calculated pursuant to the requirements of this act and chapter 70 of the General Laws, in conjunction with unanticipated or extraordinary decreases in cherry sheet aid, so-called, for such municipalities; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 391; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet expenses associated with extraordinary increases in enrollment calculated on a percentage basis for such municipalities; (3) to assist regional school districts in offsetting unanticipated funding losses resulting from a member municipality's extraordinary increase or decrease in its minimum required local contribution and (4) notwithstanding any provisions of this item to the contrary, to provide enrollment aid to any school district for which the following conditions exist: the quotient calculated by dividing the sum of the fiscal year 2001 minimum aid and foundation aid by the foundation enrollment equals \$150 per pupil; the foundation enrollment used to calculate the fiscal year 2001 state education aid exceeds the foundation enrollment used to calculate the fiscal year 1994 state education aid by a percentage that is equal to or greater than twice the statewide average for the same period; and the fiscal year 2001 required net school spending is not greater than \$6,600 per foundation enrollment pupil; provided further, that said school districts shall receive a sum of \$50 per pupil in enrollment aid; provided further, that said enrollment shall be available on a one-time non-recurring basis and shall not be considered base aid or used in the calculation of minimum required local contribution in fiscal year 2002; provided, however, that priority shall be granted to member municipalities of regional, and vocational regional school districts; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be avail-

able on a one-time non-recurring basis; and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the minimum required local contribution for fiscal year 2002 . . . . . \$2,000,000

Local Aid Fund . . . . . 100.0%

7061-0012 For noneducational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter 71B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approval of the commissioner, the treasurer may make such payments directly to the service provider for services provided on or after July 1, 2000; provided further, that not more than \$7,321,425 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that the amount spent for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; provided further, that the commonwealth shall not pay more than 50 per cent of the cost of any such residential placement; provided further, that not less than \$350,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students whose disabilities include, but shall not be limited to: blindness, visual impairments, learning disabilities such as dyslexia, or physical disabilities such as cerebral palsy that limit the use of standard print, and for the cost of an outreach program geared toward special education teachers, students and parents regarding the services of such program; and provided further, that of said \$350,000 funds shall be made available for the purposes of training teachers and students . . . . . \$61,941,239



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	Local Aid Fund .....	100.0%
7061-0013 For	a program of on-site visits at least once every three years to monitor school district special education programs and approved private day and residential schools focused on compliance with chapter 71B of the General Laws and state education reform requirements and objectives; provided, that funds shall be expended for technical assistance to school districts by no less than five regionally assigned department personnel; provided, that at least one each shall be assigned to west, central northeast, southeast, and the metropolitan Boston areas; provided, that said technical assistance may include but not be limited to statewide and regional training on effective pre-referral strategies, inclusive teaching strategies, dissemination of best practices, for training in data collection; and for monitoring and evaluating the implementation of curriculum accommodation plans pursuant to the provisions of section 38Q½ of chapter 71 of the General Laws .....	\$400,000
	Local Aid Fund .....	100.0%
7061-0019 For	school and school district audits, assistance, and monitoring to conduct program and financial compliance audits of the expenditure of chapter 70 funds, so-called, and to assist schools and school districts in developing comprehensive plans to improve student performance and to monitor the implementation of improvement efforts; provided, that the department of education shall collaborate with the division of local services of the department of revenue, pursuant to section 421 of this act; provided further, that for the purposes of such collaboration, said department shall enter into an interagency service agreement with said division; provided further, that \$500,000 of the amount appropriated herein shall be made available for the purposes of such interagency service agreement; provided further, that said department shall provide technical assistance to certain cities, towns and regional school districts deemed to be under-performing by said department of education; provided further, that not more than \$1,000,000 shall be expended for the monitoring and follow-up activities of said department's complaint management system, review and approval of local educational agency applications, and local	

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	school district's compliance with the part B requirements of the federal special education law, known as the Individuals With Disabilities Education Act, in the provision of special education and related services to children with disabilities; and provided further, that such monitoring activities shall occur in each school .....	\$2,881,115
	Local Aid Fund .....	100.0%
7061-0020	For the special education pooled risk program established pursuant to section 5B of chapter 71B of the General Laws, as amended by section 172 of this act .....	\$5,600,000
	Local Aid Fund .....	100.0%
7061-0022	For disbursements to reduce the class sizes in grades kindergarten through three in school districts where 22 per cent or more of the student population in said grades is reported to the department of education to be low-income; provided, that funds may be used to transition from half to full day kindergarten; provided further, that said disbursements shall be made to cities and towns pursuant to section 3; provided further, that any payment made under any such grant with a school district shall be deposited with the treasurer of such city, town, or regional school district and held as a separate account and shall be expended by the school committee of such city, town, or regional school district without municipal appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that any city or town receiving such disbursement shall submit a report to the board of education not later than January 2, 2001 detailing how such disbursement was expended and the extent to which class sizes were reduced thereby .....	\$18,000,000
	Local Aid Fund .....	100.0%
7061-0025	For the special education loan pool established pursuant to section 5B of chapter 71B of the General Laws, as amended by section 172 of this act .....	\$4,000,000
	Local Aid Fund .....	100.0%
7061-9000	For fiscal year 2001 reimbursements to certain cities, towns, and regional school districts for a school choice transportation reimbursement program pursuant to subsection (i) of section 12B of chapter 76 of the General Laws; provided, that funds appropriated herein shall be expended solely for the	

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	reimbursement of costs incurred in fiscal year 2001, unless the comptroller authorizes the expenditure of funds for the reimbursement of costs incurred in fiscal year 2000 pursuant to the provisions of chapter 29 of the General Laws . . . . .	\$450,000
	Local Aid Fund . . . . .	100.0%
7061-9010 For	fiscal year 2001 reimbursements to certain cities, towns and regional school districts pursuant to section 89 of chapter 71 of the General Laws . . . . .	\$36,268,139
	Local Aid Fund . . . . .	100.0%
7061-9100 For	professional development; provided, that \$42,570,481 shall be transferred to item 7061-0008 of section 2 for the purposes of professional development; provided further, that said \$42,570,481 shall not be subject to subsection (b) of section 12 of chapter 70 of the General Laws; provided further, that preference shall be given to public institutions of higher education in contracts awarded by the department of education for the professional development of teachers; provided further, that not less than \$200,000 shall be expended for the writing project at the University of Massachusetts at Amherst and at Boston for the professional development of teachers; and provided further, that school districts may use said funds for project-based learning . . . . .	\$42,770,481
	Local Aid Fund . . . . .	100.0%
7061-9200 For	the education technology program, so-called; provided, that the department of education shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by September 1, 2000; provided further, that if the department determines that savings could be achieved through the conversion of contracted personnel to state employees, said department shall report said determination to the house and senate committees on ways and means; and provided further, that said report shall demonstrate that the services performed by such contracted personnel are ongoing and that the conversion of such employees to state employees will result in savings to the commonwealth . . . . .	\$1,778,393
	Local Aid Fund . . . . .	100.0%
7061-9400 For	student and school assessment and for grants to school districts to develop portfolio assessments for use in individual classrooms as an enhancement to student assessment;	

provided, that as much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration or work samples and projects, and shall facilitate authentic and direct gauges of student performance; provided further, that such portfolio assessments shall not replace the statewide standardized assessment based on the curriculum frameworks; provided further, that all school assessments shall center on the academic standards embodied in the curriculum frameworks and shall involve gauges which shall be relevant and meaningful to students, parents, teachers, administrators and taxpayers pursuant to the first paragraph of section 1L of chapter 69 of the General Laws; and provided further, that notwithstanding the provision of any general or special law to the contrary, assessment of proficiency in English shall be administered in English . . . . . \$16,468,559

Local Aid Fund . . . . . 100.0%

7061-9404 For assistance and grants to cities, towns and regional school districts to develop or enhance academic support services for students scoring in level 1 or 2 on the Massachusetts Comprehensive Assessment System exam, so called; provided, that preference shall be given to those districts with a high percentage of such students; provided further, that the department of education may give priority for such assistance and grants to schools and districts at risk of or determined to be under-performing in accordance with section 1J and 1K of chapter 69 of the General Laws; provided further, that the purpose of this program shall be to raise students' academic achievement through services that may include but shall not be limited to: integrated tutoring and mentoring programs, extended school day and year, weekend and school vacation programs, summer programs, school-to-work connecting activities, so-called, creating worksite learning experiences for students as an extension of the classroom, professional development to improve teacher skills and knowledge, and alignment of local curriculum with state standards and assessment data; provided further, that such grants and assistance shall be primarily academic in focus; provided further, that such grants and



assistance may incorporate appropriate cultural and recreational activities to encourage student participation and enhance academic performance; provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation, notwithstanding the provisions of any general or special law to the contrary; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; provided further, that in order to receive such resources, districts shall develop a comprehensive district plan to improve student performance which shall include accountability measures for assessing performance and results, a professional development program, a coordinated budget that demonstrates how all available local, state, federal, private and other funds shall be used to achieve the goals and activities in the plan and any other requirements determined by the department; provided further, that districts shall report on program activities, results and expenditures as required by the department; provided further, that the department may expend up to \$250,000 to administer the program; provided further, that none of the funds appropriated herein shall be spent for services provided by institutions of higher education through interagency agreements between the department of education and said institutions; provided further, that none of the funds from this appropriation shall be spent for the individual tutoring in reading program, so-called; provided further, that for the purposes of such program, appropriated funds may be expended through August 31, 2001 to allow for summer academic support services and professional development for educators; and provided further, that no funds appropriated herein shall be expended for education reform audits . . . . . \$40,000,000

Local Aid Fund . . . . . 100.0%

7061-9600 For payments to state public institutions of higher education for the dual enrollment program, so-called; provided, that the department shall expend not more than \$200,000 to support the cost of tuition and materials for alternative education

	students who meet or exceed eligibility requirements for the dual enrollment program .....	\$1,779,400
	Local Aid Fund .....	100.0%
7061-9604	For teacher preparation .....	\$1,921,692
	Local Aid Fund .....	100.0%
7061-9611	For after-school programs as approved in the board of education's five year master plan; provided, that \$250,000 shall be expended for a pilot program in the city of Fall River on preventing violence among youths; provided, that not less than \$150,000 shall be expended to provide after-school programming to school age children in Andover by Life Focus Center, Inc.; provided further, that not less than \$50,000 shall be expended for a pilot program to create a recreation and education advancement program to be administered by the management team established pursuant to chapter 133 of the acts of 1989; provided further, that \$250,000 shall be expended for a pilot program in the city of Lawrence to incorporate violence prevention education skills with reading, language, social studies, science, math, and the arts for kindergarten through grade eight; provided further, that such program shall also provide parent training and education in violence prevention; provided further, that \$4,000 shall be made available to the Blue Hills regional vocation school to establish an after-school program for at-risk middle school students; provided further, that \$750,000 shall be transferred from this item to item 0640-0300 for the purpose of providing after school programs administered by the Massachusetts cultural council; provided further, that not less than \$50,000 shall be expended for matching grants of not more than \$5,000 to cities, towns and regional school districts for the development of new school safety initiatives; provided further, that no funds from this item may be expended for the educational alternatives for chronically disruptive students program; provided further, that not less than \$300,000 shall be provided for the Saltonstall school in the city of Salem; provided further, that said funds shall only be distributed to those communities with local councils that coordinate after school and out-of-school activities; provided further, that a municipality may be a member of not more than one such council;	

provided further, that a municipality may join with other municipalities to create a unified council for the purpose of coordinating after-school and out-of-school activities in said municipalities; provided further, that grants may be awarded to any member of such unified councils; provided further, that the department of education shall consult the executive office of health and human services to coordinate programs and services for children and youth during after-school and out-of-school programs; provided further, that applicants must detail funds received from all public sources for existing after school and out-of-school programs and the types of programs and number of students served with said funds; provided further, that said department may fund only those applications that contain accountability systems and measurable outcomes which the department deems appropriate; provided further, that said department shall give preference to applicants who demonstrate efficient use of public resources and facilities; provided further, that said grants shall fund a variety of activities, including but not limited to, academic tutoring and homework centers, athletic programs, health services, arts programs and community service programs; provided further, that not more than \$750,000 may be expended for non-grant purposes; provided further, that said department shall select grant recipients by September 30, 2000 and shall report to the house and senate committees on ways and means on the preliminary results of such grants not later than February 1, 2001; provided further, that \$775,000 shall be made available for an after-school meal program for low-income students; provided further, that an amount of no less than \$250,000 shall be expended for a pilot program for the 29 communities in the areas of Essex county and Middlesex county included in the North Eastern Massachusetts Law Enforcement Council, the NEMLEC communities, so-called, for the implementation of a school threat assessment and response program; provided further, that \$250,000 shall be expended for a violence prevention task force and for grants for violence prevention initiatives; provided further, that \$25,000 shall be made available to the Reading Memorial High School band for costs associated with their

participation in the year 2000 National Independence Day Parade to be held in Washington D.C.; provided further, that the said amount shall not be distributed until equal matching funds are provided for such purpose; provided further, that \$75,000 shall be expended for a computer learning center at the Gardner Extended Services School in the city of Boston; provided further, that not more than \$20,000 shall be expended on a matching grant basis for the survey and construction of an observatory at the Dennis/Yarmouth regional high school by the Cape Cod astronomical foundation; provided further, that not less than \$266,000 may be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children, including but not limited to, increased per-child reimbursement rates, additional staff, technical assistance, training, and transportation; provided further, that not less than \$15,000 shall be expended for an after-school at risk program in the city of Lynn; and provided further, that \$75,000 shall be expended for New Bedford Historical Society to operate a program to educate youth on the history of slavery and the underground railroad at the Frederick Douglass House, so-called; and provided further, that not less than \$60,000 shall be expended for after-school programs for low income residents of the Allston and Brighton sections of the city of Boston area; provided further, that \$2,500,000 shall be expended for voluntary in-school and after school service programs administered by the Massachusetts Service Alliance . . . . . \$11,611,932

Local Aid Fund . . . . . 100.0%

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute; provided, that every effort shall be made to recruit and serve equal numbers of male and female students; provided further, that sending school districts of students attending said academy shall not be required to expend any funds for the cost of said students while in attendance at said academy; provided further, that of the amount appropriated herein, \$378,000 shall be obligated for professional development activities at the school of excellence program at Worcester Polytechnic Institute, including salary and benefits for master teachers and visiting scholars,



so-called; provided further, that the department of education is hereby authorized and directed to enter into an agreement with Worcester Polytechnic Institute to operate a school of excellence in mathematics and science; provided further, that not less than \$300,000 shall be expended for professional development programs conducted by school of excellence staff members throughout the commonwealth; and provided further, that said academy shall file a report with the joint committee on education and the house and senate committees on ways and means by February 1, 2001 detailing said professional development activities . . . . . \$1,199,231

Local Aid Fund . . . . . 100.0%

7061-9614 For an alternative education grant program to be administered by the department of education to address behavior that interferes with learning; provided further, that such programs shall be developed at the middle and high school levels and shall offer the students the opportunity to make reasonable academic progress toward earning a high school diploma as set forth in section 1D, of chapter 69 of the General Laws; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; provided, further, that criteria for the approval of grant proposals shall be established in guidelines determined by the department; provided further, that no less than \$250,000 shall be expended for programs and pilot demonstration projects in districts which address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence; provided further that said pilot demonstration projects may create school based teams with community ties to provide ongoing training to school personnel, collaborate with recognized experts in the field of trauma and with battered women's shelters, and review school policies and make use of community resources to support traumatized children to succeed in their regular public school programs; provided further, the funding shall include the costs of administration of such pilot projects by the department of education which shall collaborate with the department of public health and

	the department of mental health to review proposals, consult with schools, select pilot projects, monitor projects, and conduct program evaluation; provided further that grants may be awarded for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish interdistrict regional alternative education collaborative or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; and provided further, that grants shall be contingent upon a match that of not less than one dollar in local expenditure for every dollar in state funding distributed . . . . .	\$1,000,000
7061-9615 For	the MassEd.Net program to provide on-line service for Massachusetts educators; provided, that the department shall file a spending plan for the amounts appropriated herein with the joint committee on education and the house and senate committees on ways and means by September 1, 2000; and provided further, that not less than \$100,000 shall be made available to non-public school educators for participation in said program . . . . .	\$2,100,000
	Local Aid Fund . . . . .	100.0%
7061-9619 For	the purpose of funding the Franklin Institute of Boston; provided, that the Franklin Institute of Boston shall be granted access to the Massachusetts education computer system; and provided further, that the Franklin Institute of Boston shall be permitted to join the state buying consortium . . . . .	\$1
	Local Aid Fund . . . . .	100.0%
7061-9620 For	grants to school districts for the costs associated with establishing advanced placement courses; provided, that priority shall be given to districts not offering advanced placement courses in the 1999 to 2000 school year . . . . .	\$500,000
	Local Aid Fund . . . . .	100.0%
7061-9621 For	the administration of a grant program for gifted and talented school age children; provided, that the funds appropriated in this item shall be in addition to any federal funds available for such program; provided further, that priority shall be given to those grant applications that address the needs	

	of students who are identified by any of the following criteria: (1) the result of a standardized aptitude examination which is three or more standard deviations above the mean; (2) an evaluation by the child's teachers that the child does perform, or is capable of performing, satisfactorily at two or more grade levels above the child's chronological age; or, (3) a score on the math or verbal Scholastic Aptitude Test by a child of no more than 13 years of age which is equal to, or greater than, the average on either test obtained by college-bound high school juniors; and provided further, that such programs may be made available by a city, town, or regional school district . . . . .	\$437,970
	Local Aid Fund . . . . .	100.0%
7061-9626 For	grants and contracts with youthbuild programs for the purposes of providing comprehensive youthbuild services, so-called to economically disadvantaged young adults in the cities of Boston, Brockton, Cambridge, Holyoke, Fitchburg, Lawrence, Lowell, Lynn, Malden, New Bedford, Springfield and Worcester; provided, that funds shall only be disbursed to cities that have an existing youthbuild program and which can demonstrate that students will graduate from said program in fiscal year 2001; provided further, that no program shall receive less than the grant amount received in fiscal year 2000; and provided further, that \$50,000 shall be expended for a contract or grant to cover first year costs of establishing a youthbuild program in the city of Attleboro . . . . .	\$2,300,000
	Local Aid Fund . . . . .	100.0%
7061-9632 For	the Pioneer Valley Regional Education Business Alliance, so-called; provided, that a spending plan including revenues and expenditures from all funding sources shall be filed with the joint committee on education, arts, and humanities and with the house and senate committees on ways and means not later than September 1, 2000; and provided further, that \$87,890 shall be expended for the purchase of materials and for the department to conduct training for teachers and staff to identify and serve students with scotopic sensitivity syndrome or Irlen syndrome . . . . .	\$287,890
7061-9634 For	matching grants to be administered by the department of education for the Massachusetts Service Alliance for public and private agencies with mentoring programs for the re-	

cruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that no funds shall be disbursed from this item to support a mentor relationship established in a prior fiscal year; provided further, that in order to be eligible to receive funds from this item, such public or private agency shall provide a matching amount equal to one dollar for every dollar disbursed from this item; provided further, that said matching amount shall be from a source other than state or federal funds; provided further, that \$50,000 shall be made available to support the mentoring activities of the planned learned achievement for youth program; and provided further, that said Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2000 . . . . . \$1,000,000  
Local Aid Fund . . . . . 100.0%

*Board of Higher Education.*

7066-0000 For the operation of the board of higher education; provided, that said board shall recommend savings proposals that permit institutions of public higher education to achieve administrative and program cost reductions, resource reallocation and program reassessment, and utilize resources otherwise available to said institutions; provided further, that said board shall establish a policy directing said institutions of higher education to spend not less than 5 per cent of the combined amount of the total state appropriation and student retained revenues by each such institution for ongoing capital adaptation and renewal; provided further, that expenditures for operational expenses such as utility payments shall not be considered capital adaptation and renewal for the purposes of the spending requirements contained herein; provided further, that not later than November 15, 2000, said board shall submit to the house and senate committees on ways and means a plan that includes: (1) the projected operating budget spending at each



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	institution within the commonwealth's system of public higher education; (2) the planned spending on capital adaptation and renewal projects at each such institution; and (3) the funding sources used to fund said projects; and provided further, that upon request of any such institution, said board is hereby authorized to grant a waiver from said maintenance spending requirement upon determining that compliance with said policy poses a threat to academic quality . . . . .	\$2,504,673
7066-0005 For	the commonwealth's share of the cost of the compact for education . . . . .	\$72,600
7066-0009 For	the New England board of higher education . . . . .	\$357,418
7066-0014 For	the community college developmental education program; provided, that the board of higher education shall operate a grant program to expand community college adult basic education learning centers; provided further, that grants shall be awarded pursuant to guidelines adopted by the board which shall require grant recipients to commit to the expansion of basic skills remediation programs; provided further, that recipient campuses shall detail the planned expansion of said programs, the additional services to be provided, and the additional number of individuals projected to be served; provided further, that the department of education and the board of higher education shall develop common standards, goals, and performance standards with the community colleges utilizing these funds; provided further, that the board shall provide an allocation plan to the house and senate committees on ways and means prior to the allocation of any funds from this item; and provided further, that said allocation plan shall include a detailed description of the expansion scheduled to be take place at recipient campuses . . . . .	\$2,900,000
7066-0015 For	the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws . . . . .	\$2,100,000
7066-0100 For	a reserve to be distributed according to guidelines established by the board of higher education for campus initiatives or projects to improve academic programs and student performance, campus accountability, efficiency in management, and cost-effective use of resources; provided, that said board shall report quarterly to the house and senate	

	committees on ways and means and the joint committee on education, arts and humanities, on said campus grant proposals and awards, including, but not limited to, a description of each proposal, its costs, the amount awarded, and projected outcomes; provided further, that notwithstanding the provisions of any general or special law to the contrary, said board may allocate funds from this item to other items of appropriation; provided further, that no funds from this item shall be expended to support development or operations of commonwealth college, so-called, at the University of Massachusetts; and provided further, that said board shall submit an allocation plan to the house and senate committees on ways and means ten days prior to any allocation of funds from this item . . . . .	\$2,000,000
7066-0119 For	the commonwealth's contribution to the Massachusetts Space Grant Consortium, so-called; provided, that funds appropriated herein may be used as matching funds for available federal grants . . . . .	\$250,000
7070-0031 For	the McNair component of the financial assistance program to increase access to public and independent institutions of higher education for students who meet certain income eligibility standards developed by the chancellor of higher education and for students with serious physical impairments, known as the Ronald E. McNair education opportunity program . . . . .	\$4,761,741
7070-0040 For	state college access grants; provided, that any Massachusetts resident enrolled in and pursuing a bachelor's degree in any of the state colleges whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,000, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; and provided further, that funds may be transferred from item 7070-0065 to support the purposes of this item . . . . .	\$12,013,976
7070-0065 For	a scholarship program to provide financial assistance to Massachusetts students enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing, or any other approved	

institution furnishing a program of higher education; provided, that the Massachusetts state scholarship office is hereby authorized and directed to expend not less than \$16,244,748 for community college access grants to ensure that no Massachusetts resident enrolled in and pursuing an associate's degree in any of the community colleges pays more than \$500 in tuition and fees net of any federal or state scholarship or tax credit; provided further, that any resident whose expected family contribution level, as determined according to the federal methodology established pursuant to Part F of Title IV of the Higher Education Act of 1965, as amended, is not more than \$2,250, shall incur no net tuition and fee costs after deducting any federal or state scholarship or tax credit from financial need as calculated by the state scholarship office; provided further, that said residents who are not fully eligible for the federal HOPE tax credit, so-called, based on their exceeding maximum income eligibility limits, shall not be eligible for said grants; provided further, that funds from this account may be transferred to 7070-0040 in the event of a deficiency in that account; provided further, that not less than \$9,666,947 shall be expended for a program of needs-based financial assistance for Massachusetts residents enrolled in and pursuing a program of higher education in the University of Massachusetts; provided further, that not less than \$10,000,000 shall be made available for the no-interest loan program pursuant to clause (cc) of section 9 of chapter 15A of the General Laws; provided further, that of said \$10,000,000 not more than \$775,000 may be spent for the administration of said no-interest loan program; provided further, that \$4,000,000 shall be expended for the part-time student grant program; provided further, that of the sum appropriated herein, not less than \$1,000,000 shall be obligated for the purposes of the Massachusetts plan, pursuant to section 5C of chapter 15C of the General Laws; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than \$20,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges,

universities, and schools of nursing; provided further, that not less than \$200,000 shall be made available to provide financial assistance for Massachusetts residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program; provided further, that except as otherwise provided in this act all said aforementioned financial assistance shall be distributed to students demonstrating the greatest need as determined by an eligibility index used by the state scholarship office; provided further, that students awarded full or partial scholarships under the Christian A. Herter Memorial Scholarship Program, as established in section 16 of chapter 15A of the General Laws, who have matriculated in a program of higher education outside the commonwealth may continue to receive the scholarship aid guaranteed by said program; provided further, that the state scholarship office is authorized to expend monies for the public service awards as established in said section 16 of said chapter 15A; provided further, that the chancellor of higher education, in coordination with the Massachusetts state scholarship office, shall establish such regulations governing the eligibility and the awarding of financial assistance as said chancellor shall deem necessary; provided further, that not more than \$4,000,000 shall be expended for a pilot forgivable loan program, to be known as the Commonwealth Futures program, which shall be developed and operated by the state scholarship office to increase the pool of high skilled workers in the commonwealth in fields of high industry demand; provided further, that said scholarship office shall adopt guidelines for said pilot program which shall set forth the terms for forgivable loan awards which may be made available to students enrolled in specific degree programs which are identified to be fields of high industry demand as determined by the board of higher education in consultation with the Association of Independent Colleges and Universities in Massachusetts; provided further, that said forgivable loans shall be contingent upon Massachusetts residency retention following graduation from Massachusetts independent regionally accredited colleges and universities; provided further, that



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	said guidelines shall set forth matching requirements for such independent institutions; provided further, that not later than November 15, 2000, the state scholarship office shall report to the house and senate committees on ways and means on the status of the implementation of the Commonwealth Futures program, including the number and amount of anticipated forgivable loans which shall be issued in fiscal year 2001, the amount of matching funds committed by private institutions of higher education, and the projected impact on college graduate Massachusetts residency rates and workforce development; and provided further, that not more than \$1,798,139 shall be expended on the administration of the scholarship program . . . . .	\$100,057,376
7077-0010 For	the purchase of scientific, technological, and other educational reference materials for the libraries of the system of public higher education institutions; provided, that the funds herein shall be distributed to campuses in the same formulaic manner as in chapter 127 of the acts of 1999 . . . . .	\$14,000,000
7077-0023 For	a contract with the Tufts School of Veterinary Medicine; provided, that funds appropriated herein shall be expended, in accordance with the Massachusetts resident veterinary tuition remission plan submitted January 8, 1998, for supportive veterinary services provided to the commonwealth; provided further, that prior year costs may be paid from this item . . . . .	\$5,325,000
7077-1000 For	the tomorrow's teachers program providing full scholarships to students who graduate in the top 25 per cent of their high school class, complete a bachelor's degree at a Massachusetts public or independent institution of higher education, and agree to teach for four years at a public school in the commonwealth upon successful completion of appropriate certification; provided, that for any student at a Massachusetts independent institution the amount of any such scholarship shall not exceed the maximum grant under this program of a scholarship to a student at the University of Massachusetts, prior appropriation continued . . . . .	\$1,090,739
	<i>University of Massachusetts.</i>	
7100-0200 For	the operation of the University of Massachusetts; provided, that notwithstanding the provisions of any general or special law to the contrary, the board of trustees shall develop an	

allocation plan for the amount appropriated herein and shall notify the house and senate committees on ways and means of said plan within 45 days of the effective date of this act; provided further, that the board of trustees in conjunction with the state health education center at the University of Massachusetts Medical Center shall maintain learning contracts for students admitted on or after the fall of 1978 which shall include provisions for payback service or monetary payback to the commonwealth for a period after such students have fulfilled all internship and residency requirements; provided further, that not less than \$795,619 shall be expended for the purposes of the area health education centers program, also known as AHEC; provided further, that not less than \$136,816 shall be expended for the purpose of the state health education center at the medical center; provided further, that not less than \$250,000 shall be expended for the purpose of the Paul E. Tsongas Industrial Historical Center at the University of Massachusetts at Lowell; provided further, that not less than \$150,000 shall be expended for a college preparation program at the University of Massachusetts at Lowell; provided further, that not less than \$69,566 shall be expended for the Center for Rural Massachusetts at Amherst; provided further, that not less than \$621,000 shall be expended for the Massachusetts Institute for Social and Economic Research at Amherst to manage the United States census data and provide population estimates and projections and for the evaluation of the commonwealth's eligibility for federal grant programs and for the application for, and acquisition of, any grants made under such programs, and for the marketing and sale of publications and services, to public and private entities provided by said Institute; provided further, that \$499,019 shall be expended for the purposes of the William Joiner Center; provided further, that not less than \$368,287 shall be expended for the purposes of the Mauricio Gaston Institute of Latino Community Development and Public Policy; provided further, that not less than \$299,284 shall be expended for the purposes of research and analytical studies at the Monroe Trotter Institute; provided further, that not less than \$200,000 shall be expended for the purposes of the Institute

for Asian-American studies; provided further, that not less than \$628,834 shall be expended for the expense of a gerontology institute; provided further, that not less than \$156,663 shall be expended for the endowment of a chair named in honor of the late Frank Manning; provided further, that not less than \$637,010 shall be expended for the physical education department at the University of Massachusetts at Boston; provided further, that \$250,000 shall be expended for the Institute for Policy Research in Family and Community Violence at the University of Massachusetts at Boston; provided further, that the sum expended for Umass Extension in fiscal year 2001 shall not be reduced except in proportion to adjustments consistent with university budget adjustments and policies affecting comparable academic outreach programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the Umass Extension Board of Public Overseers; provided further, that not less than \$35,000 shall be expended for the continuing education program in Attleborough operated by the University of Massachusetts at Dartmouth; provided further, that not less than \$480,200 shall be expended for the cranberry experiment station; provided further, that a board of oversight shall be responsible for the purposes of said station; provided further, that not less than \$300,000 shall be expended for the John W. McCormack Institute of Public Affairs; provided further, that not less than \$179,635 shall be expended for the Center for Women in Politics and Public Policy at the John W. McCormack Institute of Public Affairs; provided further, that \$200,000 shall be obligated for the University of Massachusetts Economic Project, so-called; provided further, that not less than \$2,000,000 shall be expended for the emerging technology centers, pursuant to sections 38 to 42, inclusive, of chapter 75 of the General Laws; provided further, that not less than \$380,000 shall be obligated for the costs associated with the Center of Marine Environmental Science Technology Electronic Technology and Fisheries at the University of Massachusetts at Dartmouth, including a study and model program for artificial

reef construction and fisheries development; provided further, that \$50,000 shall be obligated for rural development councils; provided further, that \$350,000 shall be expended for a satellite medical examiners office; provided further, that \$500,000 shall be expended for the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided further, that \$100,000 shall be expended for an outreach program on Cape Cod by the University of Massachusetts at Dartmouth in conjunction with the Cape Cod Commission and the Executive Office of Environmental Affairs' Massachusetts Watershed Initiative for the purpose of establishing a comprehensive monitoring program for lakes and ponds on Cape Cod to be known as the Cape Cod Lakes and Pond Project; provided further, that \$50,000 shall be expended for the University of Massachusetts Boston Pension Assistance Project; provided further, that not more than \$250,000 shall be provided to the biotechnology program at the University of Massachusetts at Amherst for the development of the Springfield Biomedical Technological Institute jointly sponsored by Baystate Medical Center in the city of Springfield and the biotechnology program of the University of Massachusetts at Amherst; provided further, that \$1,000,000 shall be expended for reference materials at the W.E.B. DuBois Library, so-called, at the University of Massachusetts at Amherst; provided further, that each center, program, and study earmarked within this appropriation shall submit to the board of trustees of the University of Massachusetts and to the house and senate committees on ways and means not later than December 15, 2000, a report which shall include a programmatic description, a spending plan detailing the total program budget including all funding sources, the number of students served by the program and an explanation of how the program fulfills the mission of said university; provided further, that not less than \$600,000 shall be expended to fund an endowment for a Portuguese chair at the University of Massachusetts at Dartmouth; and provided further, that the board of trustees may require said institutions to provide communication accessibility for the deaf and hard of hearing where necessary ..... \$479,272,165



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7100-0300	For the operation of the toxics use reduction institute program at the University of Massachusetts at Lowell, in accordance with chapter 21I of the General Laws; provided, that not less than \$200,000 shall be obligated for programs that train business, industry, higher education, and medical and high school laboratory personnel to reduce toxic waste at the source utilizing the microscale chemistry technology . . . . .	\$1,686,146
	Toxics Use Reduction Fund . . . . .	100.0%
7100-0444	For an endowment incentive program for the University of Massachusetts; provided that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth's appropriation for the university; provided further, that the amount appropriated herein may fund matching grants paid to the university's recognized foundation in an amount not to exceed seventy-five cents for every dollar privately contributed or contractually pledged to the university's board of trustees or the university's recognized foundation; provided further, that the fifth paragraph of section 15E of chapter 15A of the General Laws shall apply to this program; and provided further, that the amount appropriated herein shall be in addition to any other amounts available for the endowment incentive program . . . . .	\$10,000,000
7100-0500	For the operation of the board of higher education's Commonwealth College honors program, so-called, at the University of Massachusetts at Amherst . . . . .	\$1,750,000

*State Colleges.*

7109-0100	For Bridgewater State College; provided, that not less than \$613,000 shall be expended for the operation of the John Joseph Moakley center for technological applications at Bridgewater State College; and provided further, that said initiative shall be conducted on the site of said college for the purposes of technological applications to classroom teaching and initiatives in distance learning and economic development in conjunction with business and industry in southeastern Massachusetts . . . . .	\$33,444,840
7110-0100	For Fitchburg State College; provided, that not less than \$250,000 shall be expended for the Fitchburg State College Leadership Academy, so-called; and provided further, that	

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	not more than \$330,000 shall be expended for the fiscal year 2001 operating costs of a new athletic facility at said campus .....	\$25,363,149
7112-0100 For	Framingham State College; provided, that not less than \$400,000 shall be expended for the Christa McAuliffe Center; provided further, that not less than \$300,000 shall be expended for the operation of the commonwealth's global education centers; provided further, that not less than \$200,000 shall be expended for the regional economic research center; and provided further, that not more than \$250,000 shall be expended for the fiscal year 2001 operating costs of new facilities at said campus .....	\$21,128,057
7113-0100 For	the Massachusetts College of Liberal Arts .....	\$12,844,509
7114-0100 For	Salem State College; provided, that not less than \$120,400 shall be expended for the aquaculture program at said college established pursuant to section 274 of chapter 38 of the acts of 1995 .....	\$32,523,306
7114-0101 For	a reserve for operation and maintenance costs associated with the acquisition of the GTE/Sylvania property located in the city of Salem .....	\$780,929
7115-0100 For	Westfield State College .....	\$20,770,665
7116-0100 For	Worcester State College; provided, that not more than \$663,665 shall be expended for the operating costs of the Biotech and Allied Health Science Building at Worcester State College; and provided further, that not less than \$250,000 shall be expended for the operating costs of the Center for Allied Health Professions at Worcester State College .....	\$21,117,532
7117-0100 For	the Massachusetts College of Art; provided, that funds may be expended for the purpose of compliance with the Americans with Disabilities Act .....	\$13,408,927
7118-0100 For	the Massachusetts Maritime Academy; provided, that not more than \$228,000 shall be expended for the establishment of an aquaculture program .....	\$11,010,093

*Community Colleges.*

7502-0100 For	Berkshire Community College .....	\$8,538,872
7503-0100 For	Bristol Community College .....	\$13,556,648
7504-0100 For	Cape Cod Community College .....	\$10,152,316
7504-0101 For	the operation of an environmental technology, education,	

and job training partnership through the Cape Cod Community College; provided, that said college shall coordinate said partnership with the Massachusetts Maritime Academy and the University of Massachusetts at Dartmouth; provided further, that said initiative shall be conducted at the Massachusetts military reservation, or at any site on Cape Cod determined by said college to be suitable for the purposes of on-site education and training in the use of alternative technologies to clean up designated superfund sites; provided further, that preference shall be given to local applicants; and provided further, that the executive office of environmental affairs and the University of Massachusetts at Dartmouth are hereby authorized and directed to participate in the testing and evaluation of innovative technologies ..... \$124,438

Toxics Use Reduction Fund ..... 100.0%

7505-0100 For Greenfield Community College; provided, that not less than \$195,000 shall be obligated for the heritage bank building acquired by the Greenfield Community College foundation; and provided further, that \$175,000 shall be obligated for costs associated with campus expansion ..... \$8,277,222

7506-0100 For Holyoke Community College; provided, that not more than \$752,613 shall be expended for the operating costs of a new athletic facility at said campus; and provided further, that not less than \$178,815 shall expended for a licensed practical nursing program ..... \$15,995,804

7506-0101 For the operation of the Holyoke home information center to be administered by Holyoke Community College; provided, that said home information center shall file a financial and programmatic plan with the house and senate committees on ways and means by December 1, 2000; and provided further, that said plan shall include, but not be limited to, a framework to make the operations of said center self-sufficient not later than fiscal year 2002 ..... \$100,310

7507-0100 For Massachusetts Bay Community College ..... \$12,841,694

7508-0100 For Massasoit Community College; provided, that not less than \$274,700 shall be expended for the operation of Christo's II Culinary Arts Center ..... \$17,791,259

7509-0100 For Mount Wachusett Community College; provided, that \$100,000 shall be expended for the operation of the Vietnam Memorial Community Fitness and Wellness Center at

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	Mount Wachusett Community College; and provided further, that \$200,000 shall be expended for the Wood Technology center at Mount Wachusett Community College . . . .	\$10,347,717
7510-0100 For	Northern Essex Community College . . . . .	\$16,637,434
7511-0100 For	North Shore Community College; provided further, that \$60,000 shall be expended for an assistant to the director of the Lynn campus for facilities operations at said campus . . .	\$16,739,922
7511-0102 For	the post secondary education programs of the Essex Agricultural and Technical Institute operated by North Shore Community College . . . . .	\$1,333,607
7512-0100 For	Quinsigamond Community College; provided, that \$956,000 shall be expended for costs associated with the transfer of courses from the Worcester technical institute, so-called . . . . .	\$13,498,733
7514-0100 For	Springfield Technical Community College; provided, that \$606,920 shall be allocated for a reserve for the operation and maintenance expenses incurred by Springfield Technical Community College associated with the acquisition of the Digital property, so-called; provided further that said college may expend revenues in an amount not to exceed \$575,000 received from rent utility, and other charges for the operation and maintenance of said property; provided further, that \$235,336 shall be encumbered for an emergency reserve for unanticipated operating and maintenance expenses of Springfield Technical Community College in the acquisition of the Digital property, so-called; provided further, that \$100,000 shall be made available to the Springfield Technical College foundation for costs associated with the relocation of Springboard Technology, Inc. within the Digital property, so-called; and provided further, that an amount of not more than \$282,840 shall be expended for the acquisition of a parcel of land, adjacent to the campus, to be used for student parking . . . . .	\$21,932,785
7514-0102 For	the Massachusetts Center for Telecommunications and Information Technology through the Springfield Technical Community College assistance corporation, as established by chapter 273 of the acts of 1994; provided, that the amount appropriated herein shall include, but not be limited to, operating and maintaining cable television programming, distance learning curricula, telecommunications-intensive company facilities, and a small business incubator . . . .	\$250,000



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7515-0100	For Roxbury Community College .....	\$9,875,523
7515-0120	For the operation of the Reggie Lewis Track and Athletic Center at Roxbury Community College .....	\$1,042,921
7515-0121	For the Reggie Lewis Track and Athletic Center at Roxbury Community College; provided, that said college may expend an amount not to exceed \$273,100 received from fees, rentals, and facility expenses associated with the running and operation of national track meets, high school track meets, high school dual meets, Roxbury Community College athletic events, other special athletic events, conferences, meetings, and programs; provided further, that only expenses for contracted services associated with the aforementioned events shall be funded from this item; and provided further, that all year end balances associated with the Reggie Lewis Track and Athletic Center, on an annual basis, shall be transferred to the Reggie Lewis Track and Athletic Center Building Fund in accordance with chapter 772 of the acts of 1987 .....	\$273,100
	Reggie Lewis Track and Athletic Center Fund .....	100.0%
7515-0129	For the purchase and installation of information technology equipment at Roxbury Community College, provided, that not later than October 15, 2000 said college shall submit to the house and senate committees on ways and means a report detailing the projected schedule for the purchase and installation of such information technology equipment; provided further, that said report shall include a routine maintenance schedule for the information technology system funded herein; and provided further, that said schedule shall be developed to minimize the costs of occasional information technology upgrades and to maximize the efficient use of the equipment funded herein .....	\$2,500,000
7516-0100	For Middlesex Community College .....	\$17,113,537
7518-0100	For Bunker Hill Community College; provided, that \$135,000 shall be obligated for the life focus center .....	\$17,357,246
7520-0424	For a health and welfare reserve for eligible personnel employed at the community and state colleges .....	\$2,998,441

EXECUTIVE OFFICE OF PUBLIC SAFETY.

*Office of the Secretary.*

8000-0000	For the office of the secretary .....	\$1,694,283
	Highway Fund .....	85.0%
	General Fund .....	15.0%
8000-0010	For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that not less than \$100,000 shall be provided for community policing in the city of Salem; provided further, that not less than \$100,000 shall be provided for community policing in the town of Barnstable; provided further, that not less than \$40,000 shall be provided for community policing in the town of West Springfield; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester, including but not limited to Vernon Hill and Green Island, for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year 1999; provided further, that not less than \$75,000 shall be provided for the safe city program, so-called, in the city of Lynn; provided further, that not less than \$75,000 shall be provided for community policing in the city of Quincy; provided further, that the city known as the town of Weymouth shall receive not less than the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided to the city of Haverhill in addition to the amount awarded to said city in fiscal year 2000; provided further, that not less than \$75,000 shall be provided for the North Adams community policing program; provided further, that not less than \$75,000 shall be provided for the Spencer community policing program; provided further, that not less than \$40,000 shall be provided for the funding of the community school service anti-violence officer position in the city of Malden in addition to the grant award to such city in fiscal year 1999; provided further, that not less than \$44,500 shall be provided for community policing in the town of Abington; provided further, that not less than \$30,000 shall be provided for the	

town of Walpole; provided further, that not less than \$150,000 shall be made available to the city of Lawrence in addition to the amount awarded to said city in fiscal year 2000; provided further, that not less than \$50,000 shall be awarded to the city of Methuen in addition to the amount awarded to said city in fiscal year 2000; provided further, that the town of Salisbury shall receive not less than the amount awarded to said town in fiscal year 2000; provided further, that not less than \$50,000 shall be provided to the town of Saugus for the drug enforcement unit; provided further, that not less than \$45,000 shall be provided for the community policing program in the town of Nahant; provided further, that not less than \$75,000 shall be expended to fund project learn, so-called, in the city of New Bedford; provided further, that not less than \$48,000 shall be provided for community policing in the town of Greenfield; provided further, that not less than \$30,000 shall be provided for community policing in the town of Hampden; provided further, that not less than \$30,000 shall be provided for community policing in the town of Granby; provided further, that not less than \$15,500 shall be provided for a pilot community policing program for the elderly at a Deming Way housing project, so-called, in the town of Wilmington; provided further, that community policing grants of not less than \$26,000 shall be provided for community policing in the town of Southborough; provided further, that community policing grants of not less than \$30,000 each shall be provided for community policing in the towns of Deerfield, Sunderland and Whately; provided further, that not less than \$20,000 each shall be awarded to the towns of Buckland and Dudley for community policing; provided further, that grants shall be awarded to the municipalities of Agawam, Amesbury, Andover, Athol, Attleboro, Avon, Bedford, Bernardston, Billerica, Boston, Braintree, Brockton, Brookline, Burlington, Cambridge, Canton, Chelsea, Chicopee, Dalton, Dedham, East Longmeadow, Fall River, Fitchburg, Framingham, Gill, Georgetown, Greenfield, Groveland, Hanson, Haverhill, Holbrook, Holliston, Hopkinton, Holyoke, Lawrence, Longmeadow, Lowell, Ludlow, Lynn, Malden, Medford, Medway, Melrose, Merrimac, Methuen,

Milton, Montague, Needham, New Bedford, Newton, North Adams, North Andover, North Attleborough, North Reading, Northbridge, Northampton, Northfield, Orange, Pittsfield, Plainville, Quincy, Randolph, Reading, Revere, Rockland, Saugus, Shelburne, Somerville, Springfield, Stoneham, Waltham, Weymouth, Wilbraham, Watertown, Westfield, Winchester, Worcester and Wrentham in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2000, but in no circumstance in an amount of less than \$40,000; provided further, that any such community which received \$42,000 or less in fiscal year 2000 shall be eligible to compete for additional community policing grant awards through the competitive application process administered by said executive office; provided further, that all grant applications shall be subject to the approval process and criteria established for grant awards by said executive office; provided further, that monies awarded by said executive office may include grants made for community policing in state-aided public housing developments; provided further, that not less than \$72,000 shall be provided to the city of Revere for an anti-violence program in the public schools which specifically includes rape prevention counseling and sensitivity training; provided further, that \$40,000 shall be provided for the community safety activities of the North Cambridge crime task force; provided further, that the city of Boston shall receive not less the amount that awarded to said city in fiscal year 2000; provided further, that \$350,000 of said award shall be made available for community policing in the Bowdoin Street-Geneva Avenue and Uphams Corner sections, so-called, of Dorchester in the city of Boston; provided further, that \$100,000 of said award shall be provided for the enhancement of community policing efforts around the Maverick Square section of East Boston; provided further, that \$150,000 of said award shall be provided for community policing in the B-2 sector, so-called, of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program; provided further, that not less than \$20,000 shall be expended for an internship program for the purpose of staffing police department substations in the city of Lowell;



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	and provided further, that not less than \$5,000 shall be expended for equipment in the Lowell Pawtucketville substation; and provided further, that not later than January 15, 2001, said executive office shall submit a report detailing the amount of grants awarded to said grant recipients and descriptions of said grants to the house and senate committees on ways and means . . . . .	\$20,949,500
	Local Aid Fund . . . . .	100.0%
8000-0020 For	the statewide emergency telecommunications board; provided, that the board shall collect an amount equivalent to the direct and indirect costs related to the board pursuant to section 18F of chapter 6A of the General Laws . . . . .	\$298,061
	Local Aid Fund . . . . .	100.0%
8000-0030 For	the operation of a hate crimes awareness program to be administered by the executive office of public safety . . . . .	\$153,005
8000-0040 For	police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers . . . . .	\$28,208,284
	Local Aid Fund . . . . .	100.0%
8000-0101The	office of the secretary may expend up to a maximum of \$17,980 in revenues collected from fees for services performed through the auto etching program . . . . .	\$17,980
8000-0619 For	the smoking prevention and cessation program established pursuant to chapter 254 of the acts of 1992 to be administered by the executive office of public safety; provided, that not less than \$4,314,662 shall be provided for a discretionary grant program for city and town drug awareness and resistance education programs, to be known as D.A.R.E. programs, which shall include information about the health risks of cigarette smoking and shall include the participation of local and state police officers, subject to the supervision of the department of public health; provided further, that grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2000; provided further, that not less than \$1,078,666 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E programs, which shall include information about the fire risks caused by smoking; and provided further that	

grants awarded by said executive office to a municipality under said program shall, when applicable, be in an amount not less than the amount of the grant or grants each such municipality received in fiscal year 2000 ..... \$5,393,328  
Health Protection Fund ..... 100.0%

*Office of the Chief Medical Examiner.*

8000-0105 For the operation of the office of the chief medical examiner established pursuant to chapter 38 of the General Laws; provided, that an amount of not less than \$325,000 shall be expended to enhance and professionalize the operation of said office; provided further, that a portion of said amount shall be expended for the procurement of management consultants to aid said chief medical examiner in improving administrative, management, billing and accounts payable procedures; provided further, that said chief medical examiner shall submit two reports to the house and senate committees on ways and means, the first report to be submitted no later than January 1, 2001, and the second report to be submitted no later than March 15, 2001 on the findings of said consultants; provided further, that said reports shall detail improvements made or to be made according to said findings; and provided further, that said reports shall detail the financial support necessary to implement said improvements ..... \$3,448,674  
Local Aid Fund ..... 50.0%  
General Fund ..... 50.0%

*Criminal History Systems Board.*

8000-0110 For the operation of the criminal history systems board; provided, that the board shall fund one administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that such victim services position shall be in addition to any such positions approved as of February 1, 1998; and provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing

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authorities access to criminal offense information when  
qualifying applicants for state-assisted housing ..... \$3,197,502

Highway Fund ..... 50.0%

Local Aid Fund ..... 50.0%

8000-1122 For the telecommunications and information technology costs  
of the criminal history systems board; provided, that no  
funds provided herein shall be expended in the KK  
subsidiary, so-called ..... \$3,510,671

### *Sex Offender Registry Board.*

8000-0125 For the operation of the sex offender registry program,  
including, but not limited to, the costs of maintaining a  
computerized registry system and the classification of  
persons subject to said registry ..... \$4,463,118

Local Aid Fund ..... 100.0%

### *Board of Building Regulations and Standards.*

8000-0160 For the operation of the state board of building regulations and  
standards for the purpose of implementing and enforcing  
sections 93 to 100, inclusive, of chapter 143 of the General  
Laws and for the registration and licensing of home  
improvement contractors pursuant to chapter 142A of the  
General Laws ..... \$561,020

8000-0167 The state board of building regulations and standards may  
collect and expend an amount not to exceed \$80,000 for the  
purposes of providing state building code training and  
courses for instruction; provided, that said board may  
charge fees for the classes and education materials associ-  
ated with administering training; provided further, that no  
costs in the AA subsidiary, so-called, shall be charged to  
this item; and provided further, that for the purposes of  
accommodating discrepancies between the receipt of  
retained revenues and related expenditures, the department  
may incur expenses and the comptroller may certify for  
payments not to exceed the lower of this authorization or  
the most recent revenue estimate as reported in the state  
accounting system ..... \$80,000

### *Architectural Access Board.*

8000-0500 For the architectural access board ..... \$227,212

*State Police.*

8100-0000 For the administration and operation of the department of state police; provided, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not less than 40 officers shall be provided to the metropolitan district commission division of watershed management for the purpose of patrolling the watershed property of the commission; provided further, that funds shall be expended from this item for the administration and operation of the crime laboratory; provided further, that the colonel of state police shall maintain the satellite western Massachusetts crime laboratory located at the Massachusetts criminal justice training council; provided further, that said colonel shall provide one additional chemist who shall be situated at said crime laboratory located in the town of Agawam; provided further, that \$1,000,000 shall be used for one-time equipment purchases and capital expenditures for the state police crime laboratory, including the DNA unit; provided further, that not less than \$95,295 shall be made available from this item for the Civilian Search and Rescue Team, so-called; provided further, that not less than \$250,000 shall be made available for said western Massachusetts crime laboratory; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that the department of the state police shall inform state police troopers of the requirements pursuant to section 20 of chapter 90 of the General Laws that a \$25 surcharge shall be added to fines assessed against any persons convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$25 surcharge be deposited into the head injury trust fund; provided further, that not less than five officers shall be provided to the disabled persons protection commission for the



purpose of investigating cases of criminal abuse; provided further, that not less than \$6,500 shall be expended on for the purchase of a boat trailer to be utilized by the state police barracks in Belchertown; provided further, that the department shall enter into an interagency agreement with the metropolitan district commission to provide police coverage on commission properties and parkways; provided further, that not less than \$15,000 shall be encumbered to reimburse the city of Springfield arson and bomb squad for services performed at the request of the department of state police; provided further, that the department shall maintain a complement of not less than six explosives technicians; provided further, that the department shall train as many members of the state police as necessary to attain and maintain a complement of not less than nine members of the violent fugitive arrest squad; provided further, that \$150,000 shall be expended for a mobile fire arms police training range to be used by the Plymouth county police departments to be housed at the Plymouth county house of corrections; and provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the division of law enforcement within the department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, said division . . . . . \$167,052,496

Highway Fund . . . . .	88.20%
Local Aid Fund . . . . .	9.50%
General Fund . . . . .	2.30%

8100-0006 For private police details; provided, that the department may expend up to \$12,150,000 in revenues collected from fees charged for private police details and for the costs of administering such details; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of state police may incur, and the comptroller may certify for payment, expenses and liabilities during fiscal year 2001 to be charged to this item in an amount not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system for the purposes stated herein to accommodate the delayed receipt of revenues authorized to be retained in this item during fiscal year 2001 . . . . . \$12,150,000

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8100-0007 For the overtime of state police officers including the operation of the drug enforcement task force	\$11,777,787
Highway Fund	88.20%
Local Aid Fund	9.50%
General Fund	2.30%

8100-0011The department of state police may expend an amount not to exceed \$1,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2001, the colonel of state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the commonwealth or the Massachusetts Development Finance Agency, established in chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that said colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding the provisions of any general or special law to the contrary and for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate . . . . . \$1,600,000

Highway Fund	100.0%
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8100-0017 For the operation of the state police air wing; provided, that the funds appropriated in this item shall be for the increased operational and maintenance costs of the air wing which are

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	directly associated with the purchase of additional helicopters during fiscal year 1999; and provided further, that the amount appropriated in this item shall be in addition to and shall not supplant or replace funds provided for air wing maintenance in item 8100-0000 .....	\$357,902
	Highway Fund .....	88.20%
	Local Aid Fund .....	9.50%
	General Fund .....	2.30%
8100-0020	The department of state police is hereby authorized to expend an amount not to exceed \$61,062 in fees charged for the use of the statewide telecommunications system for the maintenance of said system .....	\$61,062
8100-0063	For the costs associated with the completion of the training of a state police class and related costs in addition to funds provided in fiscal year 2000 .....	\$1,043,840
8100-0201	The department of state police shall expend up to \$1,040,305 from reimbursements received from the motor carrier safety assistance program for the costs of said program, including personnel .....	\$1,040,305
8100-0301	For the payroll costs of the state police directed patrols; provided that \$365,000 shall be expended on a pilot program for the Medford state police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using bicycles and other policing means within the Middlesex Fells and Mystic River Reservation district; provided further, that \$12,700 shall be expended at the direction of the Bourne barracks for increased traffic detail on Cape Cod and in the town of Plymouth; provided further, that \$45,360 shall be expended for the costs associated with providing state police patrols three nights per week in the city of Brockton, south between Montello street and Warren avenue and north to Battle street between Montello street and Warren avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2000 for a period of 18 weeks, as deemed necessary; provided further, that \$30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation; provided further, that \$75,000 shall be expended for the costs of state police patrols along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that	

\$40,000 shall be expended for patrols along Revere beach, which shall be assigned between the hours of 10 p.m. and 4 a.m. nightly from July 1 through September 15 inclusive; provided further, that \$49,860 shall be expended for the costs of state police patrols at Lynn Shore Drive, Lynn beach, Kings beach, Nahant causeway, and Nahant beach; provided further, that \$116,500 shall be expended for the costs associated with state police mounted patrols on Lynn beach, Kings beach, and Red Rock park, so-called; provided further, that \$35,000 shall be expended for the costs associated with patrols of the Wollaston beach, Quincy Shore Drive section of Quincy; provided further, that \$355,500 shall be expended for the purposes of increased patrols during the months of April to October, inclusive, at Winthrop beach and Winthrop Shore drive in the town of Winthrop, Revere beach in the city of Revere and Constitutions beach and Belle Islands marsh in the East Boston section of the city of Boston; provided further, that not less than \$282,310 shall be expended to provide motorcycle patrols along the southwest corridor, so-called; provided further, that \$100,000 shall be expended for the plain clothes foot patrol and bike patrol of the Upper Reservation Basin area along the Charles River; provided further, that \$45,000 shall be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of the city of Boston and in the towns of Canton, Milton, Randolph; provided further that \$5,000 shall be expended to patrol the state-owned portion of Willard Street adjacent to the Shea Rink in the city of Quincy and other property under the care, custody and control of the metropolitan district commission in the city of Quincy; provided further, that not less than \$50,000 shall be expended to provide increased patrols during the months of April to October, inclusive, at Mary O'Malley Park in the city of Chelsea; provided further, that not less than \$130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston; provided further,



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that not less than \$232,704 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket beach in the town of Hull; provided further, that not less than \$15,000 shall be expended for the costs of increased patrols from November 1 to December 31 between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton; provided further, that \$46,666 shall be expended for patrols of properties of the metropolitan district commission located along Day boulevard in the South Boston section of the city of Boston; provided further, that the patrols along Day boulevard shall be assigned between the hours of 8 p.m. and 4 a.m. nightly until November 1, 2000; provided further, that \$40,000 shall be expended for patrols along state highway route 2 between the city of Fitchburg and the town of Greenfield; provided further, that \$15,500 shall be expended for patrols along state highway route 88 in the town of Westport; provided further, that \$18,500 shall be expended for patrols along state highway route 18 in the city of New Bedford; provided further, that the station commanders who have been allocated funding under this item may utilize any special operations units necessary to further the public safety goals of their districts; provided further, that notwithstanding the provisions of any general or special laws to the contrary, all funds appropriated herein shall be scheduled in the AA subsidiary, so-called; and provided further, that \$20,000 shall be expended for the purpose of a state police patrol in the Willow street area, so-called of Yarmouth . . . . . \$2,125,600

Local Aid Fund . . . . . 100.0%

8100-5150 For a reserve for the state trooper salaries of the 75<sup>th</sup> recruit training troop graduating from the state police academy in fiscal year 2001; provided, that the funds appropriated in this item shall be scheduled in and expended from the AA subsidiary, so-called; and provided further, that no funds shall be expended from this item on any employees of the state police other than those named in this item . . . . . \$2,871,827

Highway Fund . . . . . 88.20%

Local Aid Fund . . . . . 9.50%

General Fund . . . . . 2.30%

8100-9999 For the payment of charges assessed to the department for the payment of workers' compensation, unemployment insurance, Medicare taxes, the medical security plan and the group insurance commission extended leave chargeback, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001 all funds appropriated in this item shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the colonel of state police, with the approval of the secretary of administration and finance, may transfer from said DD subsidiary to the KK subsidiary, so-called; or the NN subsidiary, so-called; of this account, an amount not to exceed 15 per cent of the funds appropriated in this item, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the total amount of the assessed charges is fully encumbered and is less than the amount appropriated herein; (2) that the department does not require any supplemental appropriation in any other items of appropriation; (3) that the department is expected to meet the revenue targets established for fiscal year 2001; and (4) that the department has not expended any funds for the payment of the charges in any other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized in this item; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced in this item ..... \$2,558,370

Highway Fund .....	88.20%
Local Aid Fund .....	9.50%
General Fund .....	2.30%

*Criminal Justice Training Council.*

8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that said council shall expend not more than \$250,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for chiefs of police; provided further, that

said training council shall inform chiefs of police of the requirements pursuant to the provisions section 20 of chapter 90 of the General Laws that a \$25 surcharge shall be added to fines assessed against any person convicted or found responsible of a violation of the provisions of section 17 of chapter 90 of the General Laws or a violation of a special regulation lawfully made under the authority of section 18 of said chapter 90 and that 100 per cent of said \$25 surcharge be deposited into the head injury trust fund; provided further, that all chiefs of police shall be instructed to enforce said provisions in their respective departments; provided further, that the executive director of said council shall submit a report not later than January 1, 2001 to the house and senate committees on ways and means on police chief training offered by said council that shall include, but not be limited to, the on-going need for specialized training of chiefs of police, the identification of the estimated cost of providing such training to said chiefs of police, a detailed breakdown of all expenditures related to chief of police training by date, event, publication, amount expended and number of chiefs of police benefiting from said training, and that said breakdown shall be made for fiscal years 1999, 2000 and the first quarter of fiscal year 2001; provided further, that said council shall not encumber or expend \$319,000 of the amount scheduled in the JJ subsidiary, so-called, prior to the submission of a spending plan to the house and senate ways and means committees on the proposed training schedules for all officers in FY01, including number of trainees, number of programs, and costs associated with said programs; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein .....\$3,220,237

Local Aid Fund ..... 100.0%

8200-0222 The criminal justice training council may collect and expend an amount not to exceed \$960,000 for the purposes of providing training to new recruits of municipal police departments; provided, that the council shall charge \$1,900

per recruit for said training pursuant to section 370; provided further, that classes shall consist of no more than 44 students; provided further, that no expenditures shall be charged to this item that are not directly related to new recruit training; provided further, that no expenditures shall be charged to this item that are related to chief, veteran, in-service, or reserve training, or any training not directly related to new recruits; provided further, that costs shall be expended from the EE, FF, and JJ subsidiaries, so-called, only; provided further, that the council shall submit a report on the status of recruit training, including the number of classes, start and end dates of each class, total number of recruits enrolled and graduating in each class, cost per recruit and cost per class for fiscal years 1998, 1999, and 2000; provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 1, 2001; and provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the council may incur expenses and the comptroller may certify for payments not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system . . . . . \$960,000

*Department of Public Safety.*

- 8311-1000 For the administration of the department of public safety . . . . . \$763,534
- 8311-1004 For the salaries of the commissioner and deputy commissioner of the department of public safety . . . . . \$144,682
- 8315-1000 For the administrative costs of the division of inspections; provided, that the expenses of the state boxing commission shall be paid from this item; provided further, that not less than \$30,000 shall be made available for an eye examination program for boxers participating in events regulated by the state boxing commission; provided further, that the commission shall charge professional boxers for the cost of such eye examinations; provided further, that a doctor's certificate from another state shall be accepted as evidence of such an examination; provided further, that fees for inspections performed during overtime hours shall be determined by the commissioner of administration; provided further, that the fee for inspections performed during



overtime hours shall be not less than \$100; provided further, that the division shall inspect all elevators in the state house and the McCormack and Saltonstall office buildings; provided further, that said commissioner shall submit monthly reports to the house and senate committees on ways and means detailing the investigator caseloads in each division of inspection, without disclosing names or other personal identifiers of such investigators; and provided further, that the first such report shall be filed not later than December 15, 2000 . . . . . \$1,037,885

8315-1002 For the salaries of department of public safety inspectors, including building inspectors, district engineering inspectors and elevator inspectors; provided, that no funds shall be expended from this item for the salaries of the commissioner or deputy commissioner of public safety; provided further, that the department shall employ two additional elevator inspectors in fiscal year 2001 in excess of any such positions approved as of February 1, 1998 and an additional engineer inspector; provided further, that such additional engineer inspector's duties shall include, but not be limited to, administering pipefitter license examinations; provided further, that such additional engineer inspector and elevator inspectors shall be regular state employees compensated from the AA subsidiary, so-called, of this item; and provided further, that such additional engineer inspector position shall be in addition to any such positions added during fiscal year 1995 . . . . . \$2,997,916

*Department of Fire Services.*

8324-0000 For the administration of the department of fire services; provided, that notwithstanding the provisions of any general or special law to the contrary, 75 per cent of the amount appropriated in this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance . . . . . \$2,057,858

8324-1000 For the operation of the state fire marshal's office; provided, that \$100,000 shall be expended for a Suffolk county arson prevention program; provided further, that notwithstanding the provisions of any general or special law to the contrary,

	the amount appropriated herein shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; provided further, that not more than 10 per cent of the amount designated for said arson prevention program shall be expended for the administrative cost of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth, including, but not limited to, consultant services, training, equipment, and supplies; provided further, that not less than \$100,000 shall be appropriated for a western Massachusetts office for the state fire marshal at the former Northampton state hospital; provided further, that the fire marshal shall establish a course for municipal fire personnel in blasting technologies and safety; and provided further, that said fire marshal may establish fees to cover the cost of said course; provided further, that \$25,000 shall be expended for the costs of operating the Fire Starters program by the Plymouth County juvenile court, including, but not limited to, the costs of leasing space . . . . .	\$955,875
8324-1007 For	the operation of the hazardous materials emergency response program; provided, that notwithstanding the provisions of any general or special laws to the contrary, funds scheduled in the PP subsidiary, so-called, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2001, shall not be transferred to any other subsidiary in said fiscal year . . . . .	\$1,214,236
8324-1101 For	the costs of the department for the enforcement of underground storage tank compliance standards set forth in sections 38B to 38I, inclusive, of chapter 148 of the General Laws and the rules and regulations promulgated pursuant thereto . . . . .	\$166,868

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Underground Storage Tank Petroleum

	Product Clean-Up Fund .....	100.0%
8324-1500	For the fire training program utilizing the split days option, so-called, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that notwithstanding the provisions of any general or special law to the contrary, the estimated expenses of the administration of the academy, including the estimated expenses of training facilities and curriculum for firefighting personnel and training programs, shall not exceed \$3,455,115 in fiscal year 2001; provided further, that not less than \$48,992 shall be available for the community-based fire prevention program in the Fall River area; provided further, that the funds necessary to support this item shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of said assessment from the commissioner of insurance; and provided further, that not less than \$32,500 shall be provided for the community based fire prevention program in the city of Malden .....	\$3,455,115
	Local Aid Fund .....	100.0%

*Registry of Motor Vehicles.*

8400-0001 For the administration and operation of the registry of motor vehicles, including the title division and including all rent and related parking and utility expenses of said registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to the registrar and the director of employee relations shall not be subject to civil service laws and rules; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of the computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the

General Laws; provided further, that the registry of motor vehicles may print and distribute to the various police departments and agencies of the commonwealth speeding tickets containing notice that a conviction or a finding of responsibility of a violation of section 17 of chapter 90 of the General Laws or a violation of any special regulation relative to the speed of motor vehicles will result in a \$25 surcharge pursuant to section 20 of said chapter 90; provided further, that the registry shall operate a license express office in Falmouth; provided further, that the registry shall operate a full service branch in Southbridge; provided further, that the registry shall operate an office in the city of Fall River; provided further, that said registry shall operate a full service office in the city of Lowell; provided further, that said registry shall establish and operate a license express office, so-called, in the city of Lynn; provided further, that said registry may operate a license express office, so-called, in the Grove Hall neighborhood in the city of Boston; provided further, that the registry shall operate an office in the city of Taunton which shall handle license business, learner's permits, road testing and full service registration business to the general public, as provided through April 24, 1998; provided further, that the registry shall establish and maintain a record of all vehicles leased within the commonwealth for a period longer than 30 days; provided further, that such record shall include, but not be limited to, the names and addresses of the lessor and the lessee; provided further, that the registry shall have an employee or other such person answering all initial incoming telephone calls at the customer phone information center between the hours of 9:00 a.m. and 5:00 p.m.; provided further, that the registry shall operate within the Springfield branch a one-stop international registration plan office, so-called, for truck registrations to serve the counties or former counties of Hampden, Hampshire, Franklin and Berkshire; provided further, that the registry shall take all steps necessary to improve customer service within existing resources; provided further, that said registry shall submit a report to the house and senate committees on ways and means not later than April 1, 2001 detailing the steps taken and the resultant



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	change in customer service; provided further, that \$1,119,105 shall be expended for 47 additional staff for the registry; and provided further, that \$112,377 shall be provided to implement the registry's audit and quality assurance department .....	\$49,185,751
	Highway Fund .....	100.0%
8400-0024	Notwithstanding section 2 of chapter 280 of the General Laws, the registry of motor vehicles may expend revenue collected up to a maximum of \$2,300,000 pursuant to chapter 90C of the General Laws from assessments for civil motor vehicle infractions; provided, that the amount of this expenditure shall be subtracted from the amount that otherwise would be credited to the Highway Fund pursuant to said section 2 of said chapter 280 and shall not affect nor alter the amounts of payments made to cities and towns pursuant to said section 2 of said chapter 280; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item .....	\$2,300,000
8400-0033	The registry of motor vehicles may expend revenues collected up to a maximum of \$3,500,000 from the fees charged for driver record access, operating under the influence reinstatement and registration reinstatement; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the registry may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the information technology division and pursuant to schedules prepared by said division; provided further, that 40 per cent of the costs of personnel services associated with the registry computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business within the commonwealth, pursuant to section 183 of chapter 6 of the General Laws; and provided further, that no costs payable in the AA subsidiary, so-called, shall be charged to this item .....	\$3,500,000

*Merit Rating Board.*

8400-0100	For the operation of the safe driver insurance plan authorized pursuant to chapter 6 of the General Laws, including the rent, related parking and utility expenses of the merit rating board; provided further, that not more than \$200,000 shall be expended to conduct a study on the automobile insurance system, pursuant to section 478; and provided further, that notwithstanding the provisions of any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter 90C of the General Laws . . . . .	\$7,709,343
	Highway Fund . . . . .	100.0%

*Committee on Criminal Justice.*

8600-0001	For the administration of the committee on criminal justice; provided, that the executive director of said committee shall submit a report which shows the amounts of all grants awarded to municipalities by said committee in fiscal year 2000; provided further, that said report shall identify the exact amount of required state match for all federal programs; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than February 1, 2001 . . . . .	\$296,102
8600-0060	For the purchase and distribution of sexual assault evidence collection kits . . . . .	\$60,000

*Military Division.*

8700-0001	For the operation of the military division, including the offices of the adjutant general and state quartermaster, the operation of the armories, the camp Curtis Guild rifle range and certain national guard aviation facilities; provided, that notwithstanding the provisions of chapter 30 of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called; provided further, that said adjutant general shall maintain a roster of Massachusetts veterans as directed by section 15 of chapter 33 of the General Laws; and provided further, that said military division shall encumber an amount of not less than \$29,000 to implement pilot pro-	
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	grams at said armories in Dorchester and Natick for after-school and evening youth programs to be held at said armories in said communities pursuant to section 415 of this act .....	\$6,217,533
	General Fund .....	50.0%
	Local Aid Fund .....	50.0%
8700-1140	The state quartermaster may expend an amount not to exceed \$840,000 from revenues collected for the purposes described herein; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and provided further, that the state quartermaster may expend an amount not to exceed \$655,000 for salaries, subsistence, quarters, and associated costs for national guard soldiers ordered to perform state missions pursuant to the provisions of chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses .....	\$840,000
	<i>Massachusetts Emergency Management Agency.</i>	
8800-0001	For the operations of the Massachusetts emergency management agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities; provided further, that not less than \$22,000 shall be available for the fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts civil air patrol for aerial surveillance of the commonwealth and other water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous materials and wastes and accidents involving such transport, in conjunction with the responsible agency; provided further, that not less than \$75,000 shall be made available for the federal emergency management agency multi-hazard program, so-called; and provided, however, that there shall be at least a 100 per cent match by the federal government .....	\$748,028
	Local Aid Fund .....	100.0%
8800-0020	For the purpose of providing emergency relief to the town of Great Barrington for the costs relating to the severe weather	

	on January 25, 2000 including, but not limited to, the extraordinary costs and expenses associated with the severe weather, excluding those costs associated with town-wide snow removal; provided, that said emergency relief shall be available to the town of Great Barrington for both costs already incurred and those certified by the Massachusetts emergency management agency; and provided further, that said assistance shall be in the amount of 100 per cent of the total cost as certified by said Massachusetts emergency management agency as part of the municipal state of emergency declared for January 25, 2000 .....	\$66,232
8800-0100 For	the nuclear safety preparedness program of the Massachusetts emergency management agency; provided, that the costs of said program, including fringe benefits and indirect costs, shall be assessed upon Nuclear Regulatory Commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of telecommunications and energy shall develop an equitable method of apportioning such assessments among such licensees; and provided further, that such assessments shall be paid during the current fiscal year as provided by said department and shall be credited to the general fund .....	\$431,735
	Local Aid Fund .....	100.0%
8800-0200 For	the Seabrook nuclear safety preparedness program; provided, that the cost of said program shall be assessed on electric companies in the commonwealth which own, in whole or in part, or purchase power from, nuclear power plants located outside the commonwealth whose nuclear power plant areas, as defined in section 2B of chapter 639 of the acts of 1950, include communities located within the commonwealth and shall be credited to the general fund; provided further, that for the purposes of this item, "electric companies" shall mean all persons, firms, associations and private corporations which own or operate works or a distributing plant for the manufacture and sale or distribution and sale of electricity within the commonwealth; and provided further, that the term "electric company" shall not include municipalities or municipal light plants .....	\$289,702



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*Governor's Highway Safety Bureau.*

8850-0001	For the highway safety program to provide matching funds for a federal planning and administration grant pursuant to 23 USC section 402 (d) .....	\$267,341
	Highway Fund .....	100.0%
8850-0015	For the expenses of the motorcycle safety program .....	\$186,185
	Motorcycle Safety Fund .....	100.0%

*Department of Correction.*

8900-0001	For the operation of the commonwealth's correctional facilities; provided, that the department shall maintain up to 72 beds for the treatment of females awaiting trial who are in need of detoxification and treatment for chemical dependency or alcoholism; provided further, that the department shall implement a statewide post-conviction victim and witness advocacy program; provided further, that not less than \$150,000 shall be expended for salaries and employee benefits of said victim and witness advocates; provided further, that training and technical assistance shall be provided and the program shall be coordinated, monitored and evaluated; and provided further, that the number of victim and witness advocate positions funded from this item in fiscal year 2001 shall be not less than the number funded from this item in fiscal year 2000 .....	\$317,355,950
8900-0002	For the administration of the department; provided, that employees in the prisoners classification division shall not be subject to civil service law and rules; provided further, that notwithstanding the provisions of any general or special law to the contrary, the director of civil service shall certify to the commissioner of correction, upon receipt of permanent requisitions, names of correction officers to fill permanent vacancies; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data for fiscal year 2001; provided further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 22, 2001 .....	\$4,078,102

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- 8900-0003 For local relief to mitigate inordinate fiscal demands placed on local life, health and safety departments in cities and towns hosting a state correctional facility; provided, that each such city and town shall receive a percentage of the total funds appropriated in this item which shall be equal to the total state inmate population incarcerated within a state correctional facility located within such city or town; provided further, that all inmates incarcerated at the minimum security prison at Massachusetts correctional institution at Shirley and the medium security prison at Massachusetts correctional institution at Shirley shall be deemed to be incarcerated within a correctional facility located in the town of Shirley; provided further, that of the number of inmates incarcerated at Souza-Baranowski correctional center, one-half shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; and provided further, that for the purpose of mitigation calculation, all distribution percentages shall be calculated according to the department of correction's average daily inmate population record for the prior fiscal year . . . . . \$997,000
- Local Aid Fund . . . . . 100.0%
- 8900-0004 For inmate health services; provided, that the commissioner of correction shall file quarterly reports detailing expenditures from this item with the house and senate committees on ways and means; provided further, that the cost of any health services furnished to inmates which are not funded by this item shall be detailed in said quarterly report; provided further, that any such health services funded outside this item shall not become recurring liabilities of the commonwealth; and provided further, that said report shall detail the costs incurred and services utilized, by funding source, resulting from implementation of the recommendations in the report dated January 31, 1997 and prepared by the University of Massachusetts medical center relative to the management of inmate psychiatric services known as the Salvi recommendations . . . . . \$55,801,089
- 8900-0005 For funding in the last quarter of fiscal year 2001 to operate a 72-bed detoxification unit at MCI-Framingham pursuant to

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	the provisions of item 8900-1991 of section 2 of chapter 127 of the acts of 1999 .....	\$445,982
8900-0007 For	the expenses of the community resource centers under contract to or operated by the department; provided, that one such center shall be located in the city of Fall River; provided further, that one such center shall be located in the city of Worcester; and provided further, that one such center shall be located in the city of Lowell .....	\$950,000
8900-0009 For	educational services of the department; provided, that not more than \$150,000 be made available for a literacy educational pilot program at two correctional facilities, one of which shall be the Massachusetts correctional institute at Framingham; provided further, that not more than \$200,000 shall be made available for expanding the mandatory functional literacy program with preference given to those within 18 months of release; and provided further, that no part of any salary of any employee assigned to this item shall be charged to items 8900-0001, 8900-0002, 8900-0003, 8900-0004, or 8900-0007 .....	\$5,332,434
8900-0010 For	prison industries and farm services; provided, that the commissioner of correction shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the Highway Fund to the general fund; and provided further, that the commissioner of correction shall submit quarterly financial reports detailing revenues generated and expended, to the house and senate committees on ways and means .....	\$2,556,106
8900-0011 For	a prison industries and farm services revenue retention account; provided, that the department may expend an amount not to exceed \$3,367,995 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called ...	\$3,367,995
8900-0015 For	correctional residential services; provided, that not less than \$500,000 shall be expended for a contracted low-security residential program for incarcerated expectant mothers; and	

provided, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; and provided further, that not less than \$150,000 shall be obligated for assistance to incarcerated mothers ..... \$710,000

8900-9999 For the payment of charges assessed to the department of correction for the payment of workers' compensation, unemployment insurance, Medicare taxes, medical security plan and the group insurance commission extended leave chargeback, so-called; provided, that, notwithstanding the provisions of any general or special law to the contrary, prior to April 15, 2001, all funds appropriated in this item shall be scheduled in the DD subsidiary, so-called; provided further, that after said date, the commissioner of correction, with the approval of the secretary of administration and finance, may transfer from the DD subsidiary to the KK subsidiary, so-called, or the NN subsidiary, so-called, of this account, an amount not to exceed 15 per cent of the funds appropriated in this item, if the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that the following conditions have been met: (1) that the total amount of the assessed charges is fully encumbered and is less than the amount appropriated in this item; (2) that the department does not require any supplemental appropriation in any of its other items of appropriation; (3) that the department is expected to meet the revenue targets established for fiscal year 2001; and (4) that the department has not expended any funds for the payment of the assessed charges in any of its other items of appropriation; provided further, that the secretary of administration and finance shall notify the house and senate committees on ways and means of all transfers of funds between subsidiaries as authorized herein; and provided further, that no funds shall be scheduled to any subsidiary in this account which is not explicitly referenced herein ..... \$12,074,591

*County Corrections.*

8910-0000 For a reserve to fund county correctional programs; provided, that not less than \$415,000 shall be expended for a contract with Project Coach, so-called, to operate an intermediate sanctions program in the city of New Bedford; provided fur-



ther, that not less than \$5,879,911 shall be made available to Barnstable county; provided further, that not less than \$23,668,780 shall be made available to Bristol county; provided further, that not less than \$1,009,393 shall be made available to the county of Dukes county; provided further, that not less than \$59,714 shall be made available to Nantucket county; provided further, that not less than \$15,036,352 shall be made available to Norfolk county; provided further, that not less than \$24,791,565 shall be made available to Plymouth county and expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to the provisions of clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than \$71,851,909 shall be made available to Suffolk county; provided further, that the balance of funds appropriated in this item shall be distributed among the counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the op-

erations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include vehicle make and model, year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2001 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase "marked" prisoner transportation vans, so-called, upon notification to the county government finance review board; provided further, that notwithstanding the provisions of any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that said revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund, so called; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be

reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than December 30, 2000 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not later than June 30, 2001; provided further, that the daily count sheet for county facilities, so-called, compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2000, each county sheriff shall submit a final spending plan for fiscal year 2001 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2000, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2000; provided further, that on or before September 15, 2000, the county government finance review board shall have approved final fiscal year 2001 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate

committees on ways and means with copies of such approved budgets not later than October 15, 2000; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2001 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2001, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2000 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2001, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 6.875 per cent of the total fiscal year 2001 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding the provisions of any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2001 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, said deputy commissioner shall withhold an amount equal to the



shortfall in the obligation due to the county from such municipality's fourth quarter local aid "cherry sheet" distribution, so-called, authorized from account 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2000, said deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2001, notwithstanding the provisions of section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county which borrowed under the provisions of section 6 of chapter 193 of the acts of 1989 on or before July 31, 1989 or which borrowed in fiscal year 1989 under the provisions of section 36A of chapter 35 of the General Laws, may refund such debt for a term not to exceed seven years from the date of the original loan with payments on such refunding loan to be made in accordance with said chapter 35 and section 12 of chapter 64D of the General Laws, as may be applicable; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws; provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2000; and provided further that additional funds from this account will be made available to cover the operating costs of the 18-bed modular corrections' facility expansion in Dukes county . . . . . \$154,690,207

Local Aid Fund . . . . . 100.0%

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8910-0010 For the purpose of funding expenses for services provided to inmates of county correctional facilities by the department of public health Lemuel Shattuck hospital in fiscal year 2001; provided, that said department shall notify the county government finance review board and the comptroller of all such expenses; provided further, that not more than 30 days after receiving such notification, the board shall certify to the comptroller the amount of such expenses to be charged to this item; provided further, that upon receiving such certification, the comptroller shall effect the transfer of such amount from this item to item 4590-0903 in section 2B; and provided further, that such actual and projected payments shall be considered expenditures within each county spending plan and shall be reflected as such in proposed spending plans required by 8910-0000 in section 2 ..... \$1,300,000  
Local Aid Fund ..... 100.0%

Sheriffs.

8910-0102 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampden county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 ..... \$47,909,510  
8910-0105 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Worcester county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 ..... \$32,340,490  
8910-0107 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Middlesex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 ..... \$41,292,907  
8910-0108 For the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the ad-

	ministration of the office of the sheriff of the former Franklin county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 . . . . .	\$5,889,625
8910-0110 For	the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Hampshire county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 . . . . .	\$9,294,384
8910-0145 For	the operation of a jail, house of correction, and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Berkshire county, provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 . . . . .	\$8,712,305
8910-0619 For	the operation of the jail, house of correction and any other statutorily authorized facilities and functions under the administration of the office of the sheriff of the former Essex county; provided, that said sheriff shall report to the house and senate committees on ways and means on the average monthly inmate population in said county starting not later than August 1, 2000 . . . . .	\$35,078,683
8910-1000 For	a prison industries revenue retention account for the Hampden sheriff's department; provided, that the department may expend any amount not to exceed \$491,777 from revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded on the Massachusetts management accounting and reporting system, so-called . . . . .	\$491,777
8910-1100 For	a prison industries revenue retention account for the Middlesex sheriff's department; provided, that the department may expend an amount not to exceed \$75,000 for revenues collected from the sale of products, for materials, supplies, equipment, maintenance of facilities and compensation of	

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employees of the program; and provided further, that all expenditures from this item shall be subject to chapter 29 of the General Laws and recorded in the Massachusetts management accounting and reporting system, so-called . . . . . \$75,000

Parole Board.

- 8950-0001 For the operation of the parole board; provided, that not less than \$261,000 shall be expended for the pathways program, so-called, to include direct linkages and interagency agreements for the provision of services with the appropriate workforce development agencies . . . . . \$12,765,877
- 8950-0002 For the victim and witness assistance program of the parole board, in accordance with the provisions of chapter 258B of the General Laws . . . . . \$206,702
  - Victim Witness Assistance Fund . . . . . 100.0%

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-0100 For the operation of the executive office; provided, that the secretary of elder affairs shall collaborate with the commissioner of medical assistance and the deputy purchasing agent of the operational services division to identify and seek federal reimbursement for all home care services meeting the definition of personal care services in 42 CFR 440.170(f) and case management in 1915(g) of Title XIX, furnished to persons eligible for medical assistance under the provisions of chapter 118E of the General Laws; provided further, that said secretary shall make not more than \$37,000 available for the elder advocacy organization known as the silver-haired legislature for the costs of one half of one full time equivalent position to support any and all administrative functions of said organization; provided further, that said executive office shall enter into an interagency service agreement with the department of veterans' services to maximize revenues by identifying individuals who are eligible for veterans' pensions and are currently receiving home care and home health services; provided further, that said secretary shall submit not later than January 14, 2001 to the house and senate committees on ways and means, a report detailing the specific staffing pattern and service



	delivery structure for all aging services access points, or ASAP's, so-called, under contract with said office, including, but not limited to, the number of directors, supervisors, case managers, service coordinators, administrative assistants, and any and all positions employed or contracted by such ASAP's, including their corresponding job titles and annual salary schedules; provided further, that said report shall detail the average caseload ratio for such case managers, home-makers and personal care attendants for each ASAP, and the average number of hours per week each such case manager, home-maker and personal care attendant spends per client for each such vendor; provided further, that said report shall include the total number of clients served by each ASAP in an average month and a ranking of each ASAP's home care caseload on a percentage basis per functional impairment level; provided further, that each ASAP shall provide the secretary with any and all information required to complete said report in a timely manner; and provided further, that said secretary shall continue to support community care ombudsman services . . . . .	\$2,355,033
9110-0102 For	the regulation of assisted living facilities; provided, that the executive office of elder affairs shall report quarterly to the house and senate committees on ways and means the number of assisted living units certified and the total revenues generated from application and certification fees for such units . . . . .	\$368,000
	Assisted Living Fund . . . . .	100.0%
9110-1500 For	the provision of additional home care, home health, case management and other community services to seniors who may have lost or are receiving diminished medicare home health services including, but not limited to, the chronic care enhanced services program; provided, that the secretary, in collaboration with the commissioner of medical assistance, shall actively seek to obtain federal financial participation for any and all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver; and provided further, that such reimbursement shall be deposited in the Tobacco Settlement Fund . . . . .	\$11,692,800
	Tobacco Settlement Fund . . . . .	100.0%

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- 9110-1603 For managed care in housing for individuals at risk of institutionalization due to functional impairments not of sufficient severity to meet medicaid nursing home clinical admissions criteria; provided, that such individuals shall be subject to the same rules and regulations as clients served under item 9110-1630; and provided further, that no rate increase for managed care services shall be awarded in fiscal year 2001 which would cause a reduction in client services or in the number of clients served . . . . . \$8,958,447
- 9110-1604 For the operation of the supportive senior housing program; provided, that the annualized cost of said program shall not exceed the amount appropriated in this item in fiscal year 2002; and provided further, that no funds shall be expended from this item to pay for any salary increases for direct service workers who provide state-funded homemaker and home health aid services . . . . . \$2,025,000
- 9110-1606 For the purposes of developing and enhancing the home care management information system, so-called; provided, that no funds shall be expended from this item until the secretary submits to the house and senate committees on ways and means, not later than November 1, 2000, the following information: 1) a report detailing the costs associated with said information system's development, enhancement, or replacement; 2) a copy of the terms of an interagency service agreement with the University of Massachusetts medical school, including, but not limited to, said medical school's assessment, analysis, and cost estimates of said information system's development, enhancement, or replacement; 3) a description and account of any and all medicaid-related activities associated with said management information system's implementation and day-to-day operations that are eligible for federal financial participation, so-called; and 4) an operational plan for generating such federal financial participation on an on-going basis . . . . . \$1,200,000
- Tobacco Settlement Fund . . . . . 100.0%
- 9110-1630 For contracts with aging service access points, so-called, or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided

further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$5,800,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without reallocation by the executive office of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by said executive office; provided further, that said executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item and item 9110-1634 for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2001 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services and provided further, that \$160,000 of the amount appropriated there in shall be expended to increase the per diem rate paid to providers of dementia-specific adult day health care . . . . . \$90,876,884

9110-1633 For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1603; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of elder affairs; and provided further that no funds appropriated in this item shall be expended for the enhancement of management information systems . . . . . \$35,618,006

9110-1634 The executive office may expend an amount not to exceed \$3,000,000 from federal revenues collected pursuant to the provisions of Title XIX of the Social Security Act for case

	management and personal care and related services provided to medicaid-eligible home care clients; provided, that not more than \$1,000,000 may be expended pursuant to the provisions of item 9110-1630; and provided further, that not more than \$2,000,000 may be expended pursuant to the provisions of item 9110-1633 . . . . .	\$3,000,000
9110-1636 For	the elder protective services program, including protective services case management, the statewide elder abuse hotline, guardianship services and the elder-at-risk program; provided, that \$494,000 shall be expended for the money management program for the elderly; and provided further, that \$300,000 shall be expended for the provision of protective legal services for elders . . . . .	\$10,684,237
9110-1660 For	congregate and shared housing services for the elderly; provided, that the secretary of elder affairs shall make funding of not less than \$50,000 available for congregate housing services at the Tuttle House facility in Dorchester; provided further, that not less than \$125,000 shall be allocated to the Committee to End Elder Homelessness, Inc. . . . .	\$1,502,890
9110-1700 For	residential assessment and placement programs for homeless elders; provided, that the secretary shall submit to the house and senate committees on ways and means, not later than October 2, 2000, a report detailing the cost effectiveness and impact of said program on the elder population and the home care program . . . . .	\$425,000
9110-1900 For	local services; provided, that all funds appropriated under this item for an elder service corps shall be for corpsmen stipends, for the cost of mailing corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter 1168 of the acts of 1973; provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowed under earnings limitation sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed \$130 per month; provided further, that not less than \$4,075,387 shall be obligated for the administration of a meals program for elderly persons; provided further, that the executive office of elder affairs shall maximize federal reimbursement for meals funded in this item; provided further, that the secretary shall submit to the house and senate committees on ways and means, not later than February 1, 2001, a detailed account of said elder lunch	



program's functional operations, including, but not limited to, the number of vendors participating in the program, contract amounts per vendor, number of meals delivered per site, fee schedule per meal, revenue generated from any such fees collected, and the number of elders served monthly at each site; provided further, that \$30,000 shall be obligated for a youth/elder outreach position at the Roche Family Community Center in West Roxbury; provided further, that not less than \$15,000 shall be expended for the Grandparents as Parents Initiative, so-called; provided further, that \$10,000 shall be made available for the Marlborough Council on Aging for the purpose of making enhancements to said council's senior center; and provided further, that not more than \$50,000 shall be made available for the Natick Council on Aging for the purpose of making enhancements to said council's senior center . . . . . \$5,346,905

Local Aid Fund . . . . . 100.0%

9110-9002 For the local services program for grants to the councils on aging and for grants to or contracts with nonpublic entities which are consortia or associations of councils on aging; provided, that notwithstanding the foregoing, all monies appropriated in this item shall be expended in accordance with the distribution schedules for formula and incentive grants established by the secretary; provided further, that such distribution schedules shall be submitted to the house and senate committees on ways and means; provided further, that \$50,000 shall be expended on the Massachusetts senior games; and provided further, that the executive office of elder affairs shall conduct a study to examine the financial situations of said councils on aging, which shall include but not be limited to the following: the uses of state funding, their inability or ability to support programs within existing allocations, the adequacy of the per diem reimbursement rate per elder to support existing programs, identified program funding needs for improved services, and an examination of inefficient practices and other financial strains experienced by said councils . . . . . \$6,310,000

Local Aid Fund . . . . . 100.0%

LEGISLATURE.

*Senate.*

0185-7888	For the additional expenses of the senate committee on ways and means that are associated with the review and study of the commonwealth's health care systems, pension systems, organizational structure and other policy areas, prior appropriation continued.	
9511-0000	For the compensation of senators; provided, that notwithstanding the provisions of any other general or special law to the contrary, the funds appropriated in this item shall be expended only in accordance with section 3 of chapter 192 of the acts of 1994, prior appropriation continued . . . . .	\$2,279,400
9511-8000	For the expenses of senators, including travel, prior appropriation continued . . . . .	\$228,000
9512-0000	For the office of the senate clerk, prior appropriation continued . . .	\$794,563
9512-0100	For in-house printing, duplicating and other expenses, prior appropriation continued . . . . .	\$99,072
9514-0000	For the office of the senate counsel, prior appropriation continued . . . . .	\$590,000
9515-0000	For legislative, committee, administrative and clerical aides to the senators, prior appropriation continued . . . . .	\$9,210,000
9515-0100	For the cost of universal health insurance, unemployment, Medicare and workers' compensation charges assessed against the employees of the senate, prior appropriation continued . . . . .	\$198,000
9516-0030	For a legislative intern and service program for the senate, prior appropriation continued . . . . .	\$325,000
9517-0000	For the office of the senate committee on ways and means, prior appropriation continued . . . . .	\$1,207,612
9518-0000	For the office supplies and other expenses of the senators, prior appropriation continued . . . . .	\$1,015,000
9519-5000	For the salaries of court officers and pages of the senate, prior appropriation continued . . . . .	\$1,284,000
9519-6000	For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued . . . . .	\$355,000
9519-7500	For the automation of senate offices, prior appropriation continued . . . . .	\$225,000
9519-8000	For the expenses of televising sessions of the senate, prior appropriation continued . . . . .	\$240,000

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**Chap. 159***House of Representatives.*

9621-0000 For	the compensation of representatives; provided, that notwithstanding the provisions of any other general or special law to the contrary, the funds appropriated in this item shall be expended only in accordance with the provisions of section 3 of chapter 192 of the acts of 1994, prior appropriation continued . . . . .	\$8,111,868
9622-8000 For	the expenses of representatives, including travel, prior appropriation continued . . . . .	\$1,251,000
9623-0000 For	the office of the clerk of the house of representatives, prior appropriation continued . . . . .	\$599,971
9624-0000 For	the salary of the chaplain of the house of representatives, prior appropriation continued . . . . .	\$18,512
9625-0000 For	the office of the house counsel, prior appropriation continued . . . . .	\$1,087,465
9626-0000 For	the office of the house committee on rules, prior appropriation continued . . . . .	\$1,386,743
9626-0010 For	repairs and renovations, prior appropriation continued . . . . .	\$191,850
9627-0050 For	the cost of universal health and unemployment insurance, Medicare and workers' compensation charges assessed against the employees of the house of representatives, prior appropriation continued . . . . .	\$521,642
9627-0100 For	a legislative intern and service program for the house of representatives, prior appropriation continued . . . . .	\$412,000
9628-0000 For	the office of the house committee on ways and means, prior appropriation continued . . . . .	\$1,387,505
9628-0010 For	certain renovations and improvements to the house committee on ways and means, including the costs of data processing services, equipment and personnel, prior appropriation continued.	
9628-0020 For	the performance oversight component of the house committee on ways and means, including the cost of travel as may be authorized and approved in writing by the chair of said house committee on ways and means, prior appropriation continued.	
9629-0000 For	clerical and other expenses of the members of the house of representatives, prior appropriation continued . . . . .	\$3,030,702
9630-0020 For	administrative and legislative aides to the members of the house of representatives, prior appropriation continued . . . . .	\$4,439,480

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9631-0021	For two administrative assistants to work within the county in which they reside under the direction of the elected representative from the Cape and Islands district; provided, that such assistants shall be residents of the districts; provided further, that each such assistant shall reside in separate counties and neither shall reside in the county in which the elected representative resides; and provided further, that such assistants shall be appointed by such elected representative, prior appropriation continued . . . . .	\$59,181
9632-0040	For office supplies and other expenses of the house of representatives, prior appropriation continued . . . . .	\$657,989
9633-0000	For the expenses of televising sessions of the house of representatives, prior appropriation continued . . . . .	\$575,983
9633-0001	For the automation of the house of representatives, including the costs of office equipment . . . . .	\$1,500,000
9634-2000	For the expenses related to the house information systems, including maintenance of data and telecommunications equipment, prior appropriation continued . . . . .	\$158,979
9634-3000	For the salaries of court officers and pages of the house of representatives, prior appropriation continued . . . . .	\$810,553
9634-4000	For the expenses of the office of the house committee on personnel administration, prior appropriation continued . . . . .	\$35,486
9634-5000	For legislative committee services for the house of representatives, prior appropriation continued . . . . .	\$5,647,890
9634-6000	For the office of legislative post audit and oversight bureau of the house of representatives, prior appropriation continued . . .	\$688,265
9636-0000	For the legislative service bureau, prior appropriation continued . . .	\$376,096

### *Sergeant-At-Arms.*

9731-0000	For the office of the sergeant-at-arms, prior appropriation continued . . . . .	\$374,390
9731-0050	For the cost of universal health and unemployment insurance, Medicare and workers' compensation charges assessed against the employees of the joint legislative committees, prior appropriation continued . . . . .	\$285,687
9734-1000	For the salaries of clerks employed in the legislative document room, including other joint legislative expenses, prior appropriation continued . . . . .	\$306,650
9735-0000	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house,	



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	with the approval of the sergeant-at-arms, prior appropriation continued . . . . .	\$180,100
9736-0000	For the rental, maintenance and updating of an electric roll call system, prior appropriation continued . . . . .	\$22,532

*Joint Legislative Expenses.*

9738-0001	For the administration of the office of legislative data processing, prior appropriation continued . . . . .	\$750,000
9739-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including other joint legislative expenses, prior appropriation continued . . . . .	\$167,167
9742-0000	For the administration of the legislative engrossing division, prior appropriation continued . . . . .	\$308,199
9743-0000	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued . . . . .	\$1,051,858
9744-1000	For joint legislative data processing and telecommunications equipment and services, prior appropriation continued . . . . .	\$2,000,000
9746-0000	For the expenses of the joint committees on rules and for clerical and other assistance to the joint committees, prior appropriation continued . . . . .	\$174,242
9747-0010	For the expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued . . . . .	\$38,054
9748-0000	For membership fees and programs of legislative associations for the general court of the commonwealth, with the approval of the president of the senate and the speaker of the house of representatives; provided that not less than \$30,000 of which shall be expended as the commonwealth's share of the export trade program administered by the Eastern Regional Conference of the Council of State Governments, prior appropriation continued . . . . .	\$291,640

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- 9748-0010 For Massachusetts proportionate share of the funding of the Council of State Governments Eastern Regional Northeast States Association for Agriculture Stewardship . . . . . \$25,000
- 9749-0100 For the expenses of the joint committee on redistricting, prior appropriation continued.
- 9749-0200 For the expenses of the study authorized by section 43 of chapter 142 of the acts of 1991; provided, that the expenditure of funds appropriated in this item shall be contingent upon the prior receipt of private donations equal to or greater than said expenditure; provided further, that such donations shall be deposited into the general fund, prior appropriation continued.

**NO SECTION 2A.**

**SECTION 2B.** Notwithstanding the provisions of any general or special law to the contrary, the agencies listed in this section are hereby authorized to expend such amounts as are listed in this section for the provisions of services to agencies listed in section 2; provided, that all expenditures made pursuant to this section shall be accompanied by a corresponding transfer of funds from an account listed in section 2 to the Intragovernmental Service Fund, established by section 2Q of chapter 29 of the General Laws; provided further, that no expenditures shall be made from said Intragovernmental Service Fund which would cause said fund to be in deficit at the close of fiscal year 2001 provided further, that all authorizations in this section shall be charged to said Intragovernmental Service Fund; and provided further, that any balance remaining at the close of fiscal year 2001 shall be transferred to the general fund.

**SECRETARY OF STATE.**

*Office of the Secretary of State.*

- 0511-0003 For the costs of providing electronic and other publications purchased from the state bookstore, for commission fees, notary fees and for direct access to the secretary's computer library . . . . . \$25,000
- 0511-0235 For the costs of obsolete records destruction incurred by the office of the secretary of state; provided, that state agencies, including the judicial branch may be charged for the destruction of their obsolete records by the records center where appropriate; provided further, that the secretary of state may expend revenues not to exceed \$100,000 from such funds received for the costs of such obsolete record

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destruction; and provided further, that such fees shall be charged on an equitable basis . . . . . \$100,000

*Office of Dispute Resolution.*

1100-1108 For the office of dispute resolution for the costs of mediation and other services provided to certain agencies . . . . . \$300,000

*Bureau of State Office Buildings.*

1102-3333 For the operation and maintenance of state buildings, including reimbursement for overtime expenses, materials and contract services purchased in performing renovations and related services for agencies occupying state buildings or for services rendered to approved entities utilizing state facilities . . . . . \$150,000

*Reserves.*

1599-2040 For the payment of prior year deficiencies, so-called, based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller may charge departments' current fiscal year appropriations and transfer to such item amounts equivalent to the amounts to any prior year deficiency, so-called, subject to the conditions stated in this item; provided further, that the comptroller shall only assess chargebacks to those current fiscal year appropriations when the account to which the chargeback is applied is the same account to which the prior year deficiency pertains or, if there is no such account, to the current fiscal year appropriation for the general administration of the department that administered the account to which the prior year deficiency pertains; provided further, that no chargeback shall be made which would cause a deficiency in any current fiscal year item of appropriation; provided further, that the comptroller shall report with such schedule a detailed reason for the prior year deficiency on all chargebacks assessed that exceed \$1,000 including the amount of the chargeback, the item of appropriation and subsidiary charged; and provided further, that the comptroller shall report on a quarterly basis on all chargebacks assessed, including the amount of the chargeback, the item of appropriation and subsidiary charged, and the reason for the prior year deficiency . . . . . \$5,000,000

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- 1599-3100 For the cost of the commonwealth's employer contributions to the Unemployment Compensation Fund and the Medical Security Trust Fund; provided, that the secretary of administration and finance shall authorize the collection, accounting and payment of such contributions; and provided further, that in executing these responsibilities the state comptroller may charge in addition to individual appropriation accounts certain non-appropriated funds in amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense, or related charges . . . . . \$10,906,244
- 1599-3102 For the cost of the commonwealth's employer contributions for unemployment health insurance; provided, that the secretary of administration and finance shall authorize the collection, accounting, and payment of such contributions; and provided further, that in executing these responsibilities the comptroller may charge, in addition to individual appropriation accounts, certain non-appropriated funds amounts that are computed on the same basis as the commonwealth's contributions are determined, including expenses, interest expense, or related charges . . . . . \$2,000,000

*Division of Human Resources.*

- 1750-0101 For the cost of goods and services rendered in administering training programs, including the cost of training unit staff; provided, that the division of human resources may collect a \$75 administrative fee from vendors who submit proposals in response to requests for proposals for the commonwealth master service agreement for specialized training and consultation services at the time of proposal submission; provided further, that any vendor who fails to deliver the appropriate administrative fee with its submission shall be deemed non-responsive and its proposal shall not be considered for contract award; provided further, that the division shall charge to other items of appropriation for the cost of participants enrolled in programs sponsored by the division, or to state agencies employing such participants; and provided further, that the division may collect from participating state agencies a fee sufficient to cover administrative costs of the commonwealth's performance



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	recognition programs and to expend such fees for goods and services rendered in the administration of these programs . . .	\$1,149,418
1750-0105 For	the cost of workers' compensation paid to public employees; provided, that the secretary of administration and finance shall charge, pursuant to section 362, other items of appropriation or state agencies for cost incurred on behalf of said agencies; provided further, that said secretary may transfer workers' compensation-related fringe benefit assessments from federal grants and trust accounts to this item; provided further, that said secretary shall identify charges by said item of appropriation; provided further, that not more than \$830,000 shall be used for the compensation of employees; provided further, that said secretary shall file quarterly reports with the house and senate committees on ways and means detailing said items, including federal grants and trust accounts, that have not yet paid their charges, and the reasons why, within three weeks of the close of each quarter; provided further, that no funds shall be expended from this item that would cause said item to be deficient; and provided further, that said secretary shall provide projected costs of workers' compensation costs incurred by agencies in fiscal year 2002 to the house and senate committees on ways and means by February 27, 2001 . . . . .	\$46,495,000
1750-0106 For	the workers' compensation litigation unit, including the costs of personnel . . . . .	\$522,977
1750-0110 For	the payment of fees by user agencies to arbitrators selected by the commonwealth to hear and decide final and binding arbitration cases for grievances filed pursuant to chapter 150E of the General Laws . . . . .	\$10,000

*Division of Operational Services.*

1775-0800 For	the purchase, operation and repair of certain vehicles and for the cost of operating and maintaining all vehicles that are leased by other agencies, including the costs of personnel . . . . .	\$7,600,000
1775-0901 For	the development of a cost savings plan to facilitate the purchase of electricity and natural gas by the commonwealth and its political subdivisions consistent with the municipal aggregation and volume purchasing provisions of	

	chapter 164 of the acts of 1997; provided, however, that the plan shall include, but not be limited to, the identification of the public entities projected to benefit from the program, a detailed description of the uniform procurement procedures and options available to such entities to achieve such savings, a description of the efforts of other states to generate costs savings from utility deregulation, the projected amount of savings from the program, a detailed time frame for the development and implementation of the program, a spending plan detailed by subsidiary and object code necessary to implement the program and any recommendations, including legislation necessary to effectuate the orderly implementation of the program; and provided, further, that the division shall file said plan with the house and senate committees on ways and means not later than February 1, 2001 . . . . .	\$400,000
1775-1000 For	the provision of printing, photocopying, and related graphic art or design work, including all necessary incidental expenses and liabilities; provided, that the commissioner of administration shall charge to other items of appropriation within the agencies of the executive branch for such services, including the costs of personnel . . . . .	\$1,850,842

*Division of Information Technology.*

1790-0200 For	the cost of computer resources and services provided by the information technology division in accordance with the policies, procedures and rates approved by the secretary for administration and finance, including the purchase, lease or rental of telecommunications lines, services and equipment, that are centrally billed to the commonwealth; provided, that said secretary shall charge other items of appropriation for the cost of said resources and services; provided further, that notwithstanding the provisions of any general or special law to the contrary, charges for the cost of computer resources and services provided by the bureau of computer services for the design, development, and production of reports and information required for the analysis and development of appropriations bills shall not be charged to any item of appropriation of the house of representatives, the senate or any joint legislative account in fiscal year 2001;	
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provided further, that the bureau shall submit quarterly reports to the house and senate committees on ways and means summarizing each agency's charges and payments for the preceding quarter for this item; and provided further, that the secretary for administration and finance is authorized to establish regulations, procedures and a schedule of fees to further implement this section including, but not limited to, the development and distribution of forms and instructions, including the costs of personnel . . . \$18,100,000

1790-0400 For the purchase, delivery, handling of, and contracting for, supplies, postage, and related equipment and other incidental expenses provided pursuant to the provisions of section 51 of chapter 30 of the General Laws . . . \$2,074,399

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2001-1002 For the costs of data processing and related computer and mapping services, the distribution of digital cartographic and other data, the review of environmental notification forms pursuant to sections 61 to 62H, inclusive, of chapter 30 of the General Laws and for the staff and printing of the MEPA Monitor . . . \$350,000

*Department of Fisheries, Wildlife and Environmental Law Enforcement.*

2350-0102 For the costs of overtime and special details provided by the department of fisheries, wildlife and environmental law enforcement's division of law enforcement . . . \$160,000

*Metropolitan District Commission.*

2410-1002 For the costs of operating the commission's telecommunications system; provided, that nothing in this section shall diminish or impair the rights of access or utilization of all current users of the system pursuant to agreements which have been entered into with the commission . . . \$100,000

2410-1003 For the costs of the purchase of fuel, oil and other associated products for other state agencies . . . \$50,000

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0122 For the costs of interpreter services provided by commission staff; provided, that the costs of personnel may be charged

to this item; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$100,000

*Department of Public Health.*

4590-0901 For the costs of medical services provided at public health hospitals pursuant to a schedule of services and fees approved by the commissioner of public health, which may be expended for the purposes of hospital related costs, including capital expenditures and motor vehicle replacement ..... \$150,000

4590-0903 For the expenses of medical services provided at the Lemuel Shattuck hospital to inmates of county correctional facilities; provided, that the expenses so incurred shall be charged to items 8910-0010, 8910-0102, 8910-0105, 8910-0107, 8910-0108, 8910-0110 and 8910-0619 of section 2 pursuant to the provisions contained in said section; provided further, that not more than \$1,900,000 in expenses shall be so incurred; provided further, that the fiscal year 2001 state appropriation for any county entering into a contract for managed care for inmates shall remain liable within said fiscal year for the cost of services rendered at the Lemuel Shattuck hospital; provided further, that the department may expend the amounts transferred to this item for purposes of hospital-related costs, including capital expenditures and motor vehicle replacement, without further appropriation; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$1,900,000

*Department of Mental Retardation.*

5948-0012 For residential support services provided by the department for the purposes of supplementing educational services provided in item 7061-0012 of section 2 ..... \$7,500,000



**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Massachusetts Aeronautics Commission.*

6006-0010 For the cost of air transportation services, including the costs of personnel . . . . . \$20,000

*Department of Highways.*

6030-7501 For the cost of the purchase of bulk fuel for certain vehicles under the authority of the department of procurement and general services and the cost of purchased fuel for other agencies and for certain administrative expenses related to purchasing and distributing the fuel . . . . . \$300,000

**OFFICE OF LABOR, EDUCATION AND WORKFORCE DEVELOPMENT.**

*Department of Education.*

7053-2101 For the costs of United States Department of Agriculture commodity foods pursuant to federal law requirements . . . . . \$100,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*State Police.*

8100-0002 For the costs of overtime associated with requested police detail; provided, that for the purpose of accommodating discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system . . \$6,209,424

8100-0003 For the costs associated with the use of the statewide telecommunications system for the maintenance of said system . . . . . \$400,747

*Military Division.*

8700-1145 For the costs of utilities and maintenance and for the implementation of energy conservation measures with regard to the state armories . . . . . \$500,000

*Department of Correction.*

8900-0021 For the cost of products produced by the prison industries and farm program and for the cost of services provided by inmates, including the costs of moving, auto repair, culinary and renovation and construction services; provided, that the costs for such renovation and construction services shall not

exceed the amount established by the department of procurement and general services; and provided further, that such revenues may also be expended for materials, supplies, equipment, maintenance of facilities and compensation of employees and for the inmate employment and training program . . . . . \$6,550,000

**NO SECTION 2C.**

**SECTION 2D.** The amounts set forth in this section are hereby appropriated from the General Federal Grants Fund. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section 6B of chapter 29 of the General Laws. The amount of any unexpended balance of federal grant funds received prior to June 30, 2000, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year 2001, in addition to any amount appropriated in this section.

**JUDICIARY.**

*Supreme Judicial Court.*

0320-1700 For the purposes of a federally funded grant entitled, State Court Improvement Program . . . . . \$85,633

**DISTRICT ATTORNEYS.**

*Northern District Attorney.*

0340-0237 For the purposes of a federally funded grant entitled, Children’s Advocacy Center National Network . . . . . \$18,400

*Plymouth District Attorney.*

0340-0806 For the purposes of a federally funded grant entitled, Weed and Seed . . . . . \$120,000

**SECRETARY OF STATE.**

*Office of the Secretary of State.*

0526-0105 For the purposes of a federally funded grant entitled, Massachusetts Statewide Historical Survey and Plan . . . . . \$10,000

0526-0114 For the purposes of a federally funded grant entitled, Historic Preservation Survey and Planning . . . . . \$600,000

0526-0115 For the purposes of a federally funded grant entitled, Massachusetts Historical Commission – Federal Preservation Grants . . . . . \$400,000

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0526-0120 For the purposes of a federally funded grant entitled, Maritime  
Heritage Grant ..... \$12,500

*Massachusetts Cultural Council.*

0640-9716 For the purposes of a federally funded grant entitled, Folk and  
Traditional Arts Initiative ..... \$24,280

0640-9717 For the purposes of a federally funded grant entitled, Basic State  
Plan ..... \$401,300

0640-9718 For the purposes of a federally funded grant entitled, Arts in  
Education ..... \$68,000

0640-9724 For the purposes of a federally funded grant entitled, Arts in  
Underserved Communities ..... \$76,500

**ATTORNEY GENERAL.**

*Office of the Attorney General.*

0810-6658 For the purposes of a federally funded grant entitled, Weed and  
Seed ..... \$175,000

*Victim Witness Assistance Board.*

0840-0110 For the purposes of a federally funded grant entitled, Victims of  
Crime Assistance Programs ..... \$8,100,000

*Administering Agency for Developmental Disabilities.*

1100-1703 For the purposes of a federally funded grant entitled, Implemen-  
tation of the Federal Developmental Disabilities Act;  
provided, that in order to qualify for said grant, this item  
shall be exempt from fringe benefit and indirect cost  
charges pursuant to section 6 of chapter 29 of the General  
Laws ..... \$1,510,944

1100-1710 For the purposes of a federally funded grant entitled,  
Massachusetts Developmental Disabilities Council Service  
Grant; provided, that in order to qualify for said grant, this  
item shall be exempt from fringe benefit and indirect cost  
charges pursuant to section 6 of chapter 29 of the General  
Laws ..... \$400,000

*Office on Disability.*

1107-2450 For the purposes of a federally funded grant entitled, Client  
Assistance Program ..... \$229,954

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*Massachusetts Commission Against Discrimination.*

1150-5108	For the purposes of a federally funded grant entitled, Echoes Computer Network with Cities and Towns .....	\$2,549
1150-5109	For the purposes of a federally funded grant entitled, Project Home - Fair Housing Initiative .....	\$50,037
1150-5112	For the purposes of a federally funded grant entitled, Project React - Fair Housing Initiative .....	\$23,314

*Department of Revenue.*

1201-0050	For the purposes of a federally funded grant entitled, Income Withholding and Asset Seizure .....	\$544,500
1201-0051	For the purposes of a federally funded grant entitled, Collaboration and Client Cooperation in Massachusetts .....	\$80,000
1201-0104	For the purposes of a federally funded grant entitled, Joint Federal-State Motor Fuel Tax Compliance Project .....	\$21,264
1201-0107	For the purposes of a federally funded grant entitled, Non-Custodial Parents and Their Relationships to Child Support Enforcement .....	\$72,500
1201-0108	For the purposes of a federally funded grant entitled, Domestic Violence and Welfare .....	\$80,000
1201-0109	For the purposes of a federally funded grant entitled, Access and Visitation - Parent Education Program .....	\$171,787
1201-0163	For the purposes of a federally funded grant entitled, Private Share of Parents of Fragile Families .....	\$300,000

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0141	For the purposes of a federally funded grant entitled, Coastal Zone Management Development .....	\$3,000,000
2000-0148	For the purposes of a federally funded grant entitled, National Estuary Program - Operation .....	\$460,000
2000-0154	For the purposes of a federally funded grant entitled, Wetlands Ecological Assessment .....	\$55,000
2000-0155	For the purposes of a federally funded grant entitled, Clean Water Act .....	\$2,000
2000-0162	For the purposes of a federally funded grant entitled, Autobody Shop Pollution Prevention .....	\$20,126
2000-0166	For the purposes of a federally funded grant entitled, Pollution Prevention Training on Hazardous Wastes for Municipal Officials .....	\$4,941



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2000-0167 For	the purposes of a federally funded grant entitled, Chemical Emergency Preparedness Tag .....	\$10,025
2000-0169 For	the purposes of a federally funded grant entitled, PPIS Environmentally Preferable Products Pollution Prevention Incentives States .....	\$6,037
2000-9516 For	the purposes of a federally funded grant entitled, Joppa Flats Salt Marsh Restoration .....	\$45,247
2000-9517 For	the purposes of a federally funded grant entitled, Pollution Prevention Information Network .....	\$26,497
2000-9717 For	the purpose of Buzzards Bay Shellfish Restoration, so- called .....	\$100,000
2000-9736 For	the purposes of a federally funded grant entitled, Buzzards Bay Project Management Plan .....	\$532,423
2030-9701 For	the purposes of a federally funded grant entitled, Outdoor Recreation Projects .....	\$950,000

*Department of Environmental Management.*

2100-9725 For	the purposes of a federally funded grant entitled, National Dam Safety Program - Federal Emergency Management Administration .....	\$69,828
2100-9726 For	the purpose of a federally funded grant entitled, Recreation Programs for Individuals with Disabilities, U.S. Department of Education .....	\$200,000
2120-9702 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection .....	\$16,289
2120-9707 For	the purposes of a federally funded grant entitled, Urban and Community Forestry .....	\$244,600
2121-9705 For	the purposes of a federally funded grant entitled, USFS Shade Tree and Health .....	\$235,000
2121-9706 For	the purposes of a federally funded grant entitled, Urban Resource Partnership- United States Forest Service .....	\$140,000
2121-9709 For	the purposes of a federally funded grant entitled, Forestry Planning .....	\$185,000
2121-9711 For	the purposes of a federally funded grant entitled, USFS Rural Fire Prevention .....	\$69,000
2121-9712 For	the purposes of a federally funded grant entitled, Forest Health Research .....	\$28,000
2121-9714 For	the purposes of a federally funded grant entitled, Research Conservation and Development- United States Forest Service .....	\$5,000

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2121-9718	For the purposes of a federally funded grant entitled, Forestry Incentives Program- United States Forest Service .....	\$1,900
2121-9719	For the purposes of a federally funded grant entitled, Wood in Transportation Project - United States Forest Service .....	\$14,264
2121-9720	For the purposes of a federally funded grant entitled, Rural Development Project - United States Forest Service .....	\$5,000
2121-9722	For the purposes of a federally funded grant entitled, Forest Resource Management - United States Forest Service .....	\$21,000
2121-9726	For the purposes of a federally funded grant entitled, USFS Forest Health Management .....	\$41,500
2121-9728	For the purposes of a federally funded grant entitled, USFS Forest Health Monitoring .....	\$6,000
2121-9730	For the purposes of a federally funded grant entitled, USFS North American Maple Project .....	\$4,500
2121-9736	For the purposes of a federally funded grant entitled, Urban Resource Partnership- Natural Resources Conservation Service .....	\$160,000
2140-9709	For the purposes of a federally funded grant entitled, WBNERR Operation and Management .....	\$200,000
2140-9710	For the purposes of a federally funded grant entitled, WBNERR exhibits and renovations .....	\$42,000

*Department of Environmental Protection.*

2200-9706	For the purposes of a federally funded grant entitled, Water Quality Management Planning .....	\$445,505
2200-9712	For the purposes of a federally funded grant entitled, Cooperative Agreement-Leaking Underground Storage Tank Program .....	\$1,400,000
2200-9717	For the purposes of a federally funded grant entitled, D.O.D. Environment Restoration Program .....	\$1,900,000
2200-9721	For the purposes of a federally funded grant entitled, Charles George Landfill - Operable Unit III Operations and Maintenance .....	\$115,085
2200-9722	For the purposes of a federally funded grant entitled, Baird and McGuire .....	\$2,023,500
2200-9724	For the purposes of a federally funded grant entitled, Superfund Block Fund Cooperative Agreement .....	\$1,200,000
2200-9727	For the purposes of a federally funded grant entitled, Brownfields Assessment Demonstration Pilot Cooperative Agreement - Microfab .....	\$145,616

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2200-9728 For	the purpose of a federally funded grant entitled, Brownsfield Assessment Program – multi-site .....	\$350,000
2200-9729 For	the purpose of a Federally funded grant entitled, Brownsfield Pilots Cooperative Agreement .....	\$68,000
2230-9702 For	the purposes of a federally funded grant entitled, Performance Partnership Grant .....	\$12,375,633
2230-9703 For	the purposes of a federally funded grant entitled, Facilities One-Stop Reporting Discretionary Grant .....	\$77,000
2230-9704 For	the purposes of a federally funded grant entitled, GIS Data Entitled Development of NPDES Permitted Discharge Locations .....	\$4,740
2240-9710 For	the purposes of a federally funded grant entitled, Construction Grants Program - Administration .....	\$224,000
2240-9727 For	the purposes of a federally funded grant entitled, Non-Point Source Pollution Section 319(H) .....	\$25,000
2240-9740 For	the purposes of a federally funded grant, entitled NPDES Related State Program (104b-3) 94 Funds .....	\$23,045
2240-9743 For	the purposes of a federally funded grant entitled, Wetlands Delineation Methods .....	\$15,577
2240-9746 For	the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant – BVW Training Video .....	\$26,200
2240-9747 For	the purposes of a federally funded grant entitled, Wetlands Protection - State Development Grant – Small Docks and Piers Guidance .....	\$47,500
2240-9751 For	the purposes of a federally funded grant entitled, State Underground Water Source Protection .....	\$17,360
2240-9752 For	the purposes of a federally funded grant entitled, Clean Water Section 104 (G) .....	\$6,532
2240-9753 For	the purposes of a federally funded grant entitled, Source Water/Groundwater Protection Program .....	\$14,000
2240-9754 For	the purposes of a federally funded grant entitled, Additional Assistance - TMDL Development – Clean Water Act .....	\$34,689
2250-9711 For	the purposes of a federally funded grant entitled, Pay As You Throw Outreach .....	\$5,000
2250-9712 For	the purposes of a federally funded grant entitled, Clean Air Act .....	\$770,118
2250-9713 For	the purposes of a federally funded grant entitled, Electronics Recycling Project Grant .....	\$25,000

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**Chap. 159***Department of Fisheries, Wildlife and Environmental Law Enforcement.*

2300-0103	For the purposes of a federally funded grant entitled, Urban Rivers Action Environmental Coordinator .....	\$37,589
2300-9885	For the purposes of a federally funded grant entitled, Planning Assistance for Sudbury, Assabet, and Concord Rivers .....	\$42,248
2315-9707	For the purposes of a federally funded grant entitled, Coastal Ponds and Peat lands Projects .....	\$24,994
2315-9709	For the purposes of a federally funded grant entitled, Reptiles and Amphibian Habitat Protection .....	\$60,675
2330-9222	For the purposes of a federally funded grant entitled, Clean Vessel .....	\$878,707
2330-9709	For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development .....	\$30,734
2330-9712	For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics .....	\$315,537
2330-9714	For the purposes of a federally funded grant entitled, Commercial Fisheries Extension .....	\$7,400
2330-9721	For the purposes of a federally funded grant entitled, Anadromous Fisheries Management .....	\$4,797
2340-9701	For the purposes of a federally funded grant entitled, Safe Boating Program .....	\$893,382
2350-0108	For the purposes of a federally funded grant entitled, Fisheries Enforcement Support Services .....	\$123,000

*Metropolitan District Commission.*

2420-9700	For the purposes of a federally funded grant entitled, Forestry Management .....	\$9,156
2440-9756	For the purposes of a federally funded grant entitled, Boston Harbor Beaches Water Quality .....	\$45,887
2440-9771	For the purposes of a federally funded grant entitled, Lower Neponset River Estuary Restoration .....	\$425,000

*Department of Food and Agriculture.*

2511-0310	For the purposes of a federally funded grant entitled, Pesticide Enforcement .....	\$354,885
2511-0320	For the purposes of a federally funded grant entitled, Certification of Pesticide Applicators .....	\$53,228
2511-0330	For the purpose of a federally funded grant entitled, Pesticide Education Outreach Implementation in Urban Areas .....	\$75,110



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2511-0971	For the purposes of a federally funded grant entitled, Soil Survey Digitizing .....	\$13,573
2511-0972	For the purposes of a federally funded grant entitled, Farmland Protection .....	\$1,200,000
2516-9002	For the purposes of a federally funded grant entitled, Development of Institutional Marketing .....	\$73,200

**EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.**

*Office of the Secretary.*

4000-0705	For the purposes of a federally funded grant entitled, Emergency Shelter Grants Program .....	\$2,240,000
4000-0707	For the purposes of a federally funded grant entitled, Supportive Housing .....	\$4,254,480
4000-0708	For the purposes of a federally funded grant entitled, Head Start Demonstration .....	\$217,193
4000-0709	For the purposes of a federally funded grant entitled, Homelessness Continuum of Care .....	\$2,077,981
4000-0713	For the purposes of a federally funded grant entitled, Youth Development State Collaboration .....	\$128,384
4000-9401	For the purposes of a federally funded grant entitled, Community Mental Health Services .....	\$7,488,782
4000-9402	For the purposes of a federally funded grant entitled, Substance Abuse Prevention and Treatment Block Grant .....	\$33,618,902
4000-9404	For the purposes of a federally funded grant entitled, McKinney Shelter Plus Care .....	\$1,198,950

*Division of Medical Assistance.*

4000-0314	For the purposes of a federally funded grant entitled, Welfare Reform; provided, that only federal funds received from the allocation established by the Personal Responsibility and Work Opportunity Reconciliation Act may be credited to this item .....	\$4,200,000
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*Office Refugees and Immigration.*

4003-0804	For the purposes of a federally funded grant entitled, Refugee Targeted Assistance Grant .....	\$2,411,283
4003-0805	For the purposes of a federally funded grant entitled, Refugee Resettlement Program .....	\$2,412,000
4003-0806	For the purposes of a federally funded grant entitled, Refugee Cash, Medical, and Administration .....	\$10,504,000

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4003-0807 For the purposes of a federally funded grant entitled, State  
Legalization Impact Assistance Grant ..... \$877,008

*Massachusetts Commission for the Blind.*

4110-3020 For the purposes of a federally funded grant entitled, Vocational  
Rehabilitation; provided, that no funds shall be deducted for  
pensions, group health and life insurance, or any other such  
indirect cost of federally reimbursed state employees ..... \$334,277

4110-3021 For the purposes of a federally funded grant entitled, Basic  
Support Grant ..... \$7,029,427

4110-3023 For the purposes of a federally funded grant entitled,  
Independent Living - Adaptive Housing ..... \$78,000

4110-3026 For the purposes of a federally funded grant entitled,  
Independent Living - Services to Older Blind Americans ..... \$579,966

4110-3027 For the purposes of a federally funded grant entitled,  
Rehabilitation Training ..... \$21,280

4110-3028 For the purposes of a federally funded grant entitled, Supported  
Employment ..... \$146,250

*Massachusetts Rehabilitation Commission.*

4120-0020 For the purposes of a federally funded grant entitled, Vocational  
Rehabilitation; provided, that no funds shall be deducted for  
pensions, group health and life insurance, or any other such  
indirect cost of federally reimbursed state employees ..... \$39,500,000

4120-0174 For the purposes of a federally funded grant entitled, New  
England Psychiatric Rehabilitation Training – Field  
Research ..... \$200,000

4120-0187 For the purposes of a federally funded grant entitled, Supported  
Employment Program ..... \$880,000

4120-0511 For the purposes of a federally funded grant entitled, Vocational  
Rehabilitation - Determination of Disability ..... \$31,000,000

4120-0605 For the purposes of a federally funded grant entitled, Minority  
Outreach for People With TBI in Massachusetts ..... \$200,000

4120-0760 For the purposes of a federally funded grant entitled,  
Independent Living ..... \$1,670,000

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0103 For the purposes of a federally funded grant entitled,  
Massachusetts Assistive Technology Partnership ..... \$394,796

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4130-9002 For the purposes of a federally funded grant entitled, Child Abuse Prevention Activities ..... \$864,049

*Department of Transitional Assistance.*

4400-3065 For the purpose of a federally funded grant entitled, TANF Closed Cases Tracking ..... \$50,000

4400-3067 For the purpose of a federally fund grant entitled, Food Stamp Employment and Training ..... \$1,000,000

4400-3069 For the purpose of a federally fund grant entitled, Full Employment Food Stamp Cash-Out ..... \$119,016

*Department of Public Health.*

4500-1000 For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant ..... \$5,803,813

4500-2000 For the purposes of a federally funded grant entitled, Maternal and Child Health Services Block Grant ..... \$13,299,885

4502-1012 For the purposes of a federally funded grant entitled, Cooperative Health Statistics System ..... \$439,700

4510-0109 For the purposes of a federally funded grant entitled, State Loan Repayment Project ..... \$250,000

4510-0113 For the purposes of a federally funded grant entitled, Office of Rural Health ..... \$257,177

4510-0118 For the purposes of a federally funded grant entitled, Primary Care Cooperative Agreement ..... \$103,247

4510-0119 For the purposes of a federally funded grant entitled, Rural Hospital Flexibility Program ..... \$81,325

4510-0250 For the purposes of a federally funded grant entitled, Minority Health Project Data Link ..... \$30,000

4510-0400 For the purposes of a federally funded grant entitled, Medicare and Medicaid Survey and Certification ..... \$5,887,737

4510-0500 For the purposes of a federally funded grant entitled, Clinical Laboratory Improvement Amendments ..... \$355,832

4510-0619 For the purposes of a federally funded grant entitled, FDA Inspection of Food Establishments ..... \$92,530

4510-0636 For the purposes of a federally funded grant entitled, Childhood Lead Paint Poisoning Prevention ..... \$883,700

4510-9014 For the purposes of a federally funded grant entitled, Mammography Quality Standards Act Inspections ..... \$235,563

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4510-9040	For the purposes of a federally funded grant entitled, Diabetes Control Program .....	\$763,878
4510-9043	For the purposes of a federally funded grant entitled, Demonstration Program to Conduct Toxic Waste Site Health Impact Assessments .....	\$760,062
4510-9048	For the purposes of a federally funded grant entitled, Indoor Radon Development Program .....	\$191,040
4512-0102	For the purposes of a federally funded grant entitled, Sexually Transmitted Disease Control .....	\$1,121,689
4512-0179	For the purposes of a federally funded grant entitled, Vaccination Assistance Project .....	\$4,917,283
4512-0180	For the purposes of a federally funded grant entitled, Epidemiology and Lab Surveillance .....	\$330,861
4512-9030	For the purposes of a federally funded grant entitled, Treatment Outcome Study .....	\$72,860
4512-9040	For the purposes of a federally funded grant entitled, Masscal - Mass Collaborative For Action .....	\$3,000,000
4512-9045	For the purposes of a federally funded grant entitled, Massachusetts State Treatment Needs Program .....	\$499,999
4512-9050	For the purposes of a federally funded grant entitled, State Treatment Outcomes and Performance Cooperative Agreement/Pilot Studies .....	\$674,431
4512-9426	For the purposes of a federally funded grant entitled, Uniform Alcohol and Drug Abuse Data Collection .....	\$137,722
4513-0110	For the purpose of a federally funded grant entitled, Supportive Housing .....	\$670,000
4513-0111	For the purpose of a federally funded grant entitled, Housing Opportunities-People with AIDS .....	\$1,020,000
4513-9007	For the purposes of a federally funded grant entitled, Nutritional Status of Women, Infants, and Children (WIC) .....	\$57,707,504
4513-9018	For the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education - Risk Reduction .....	\$9,206,808
4513-9021	For the purposes of a federally funded grant entitled, Program for Infants and Toddlers with Handicaps .....	\$8,488,560
4513-9022	For the purposes of a federally funded grant entitled, Prevention Disability State Based Project .....	\$407,976
4513-9027	For the purposes of a federally funded grant entitled, MassCare - Community AIDS Resource Enhancement .....	\$878,715
4513-9030	For the purposes of a federally funded grant entitled, Planning	



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	a Comprehensive Primary Care System for All Mass Children and Youth .....	\$123,496
4513-9031 For	the purposes of a federally funded grant entitled, Emergency Medical Services for Children – Improvement and Expansion .....	\$150,000
4513-9035 For	the purposes of a federally funded grant entitled, AIDS Surveillance and Seroprevalence Project .....	\$850,421
4513-9037 For	the purposes of a federally funded grant entitled, Ryan White Comprehensive AIDS Resources .....	\$13,479,881
4513-9046 For	the purposes of a federally funded grant entitled, Congenital Anomalies Center of Excellence .....	\$1,151,720
4513-9047 For	the purposes of a federally funded grant entitled, FirstLink Community Organization Project .....	\$55,000
4513-9048 For	the purposes of a federally funded grant entitled, Massachusetts Initiative for Youth with Disability .....	\$189,395
4513-9050 For	the purposes of a federally funded grant entitled, Max Care - Maximizing Children's Health and Safety in Child Care .....	\$50,000
4513-9051 For	the purposes of a federally funded grant entitled, Rural Domestic Violence and Children Victimization Project .....	\$264,102
4513-9055 For	the purposes of a federally funded grant entitled, Disabled Adults With Secondary Conditions .....	\$15,525
4513-9056 For	the purposes of a federally funded grant entitled, Pregnancy/Pediatric Nutrition Surveillance .....	\$15,000
4513-9058 For	the purposes of a federally funded grant entitled, Women Abuse Tracking Clinics and Hospitals .....	\$71,345
4513-9060 For	the purposes of a federally funded grant entitled, Residential Fire Injury Prevention - Mass Injury Intervention and Surveillance .....	\$190,405
4513-9061 For	the purposes of a federally funded grant entitled, Abstinence Education Project .....	\$947,842
4513-9062 For	the purposes of a federally funded grant entitled, Alcohol Screening Assessment – Pregnancy .....	\$150,000
4513-9063 For	the purposes of a federally funded grant entitled, Genetics Panning Project .....	\$25,238
4513-9064 For	the purposes of a federally funded grant entitled, Reducing Burden of Arthritis .....	\$58,400
4513-9069 For	the purposes of a federally funded grant entitled, HIV Intervention Care Demonstration – Incarcerated .....	\$1,000,000
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees .....	\$180,530

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4515-0115	For the purposes of a federally funded grant entitled, Tuberculosis Control Project .....	\$2,861,292
4515-0200	For the purposes of a federally funded grant entitled, STD/HIV Prevention Training Centers .....	\$355,660
4515-0201	For the purposes of a federally funded grant entitled, STD Prevention/Managed Care Settings .....	\$51,782
4516-1015	For the purposes of a federally funded grant entitled, Training Network Grant .....	\$30,000
4516-1018	For the purposes of a federally funded grant entitled, Lyme Disease Research and Education .....	\$155,695
4516-1020	For the purposes of a federally funded grant entitled, Preparedness/Response for Bioterrorism .....	\$1,348,777
4518-0136	For the purposes of a federally funded grant entitled, State Injury Intervention and Surveillance .....	\$352,864
4518-0500	For the purposes of a federally funded grant entitled, National Program of Cancer Registries .....	\$723,529
4518-0510	For the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance .....	\$90,313
4518-0512	For the purposes of a federally funded grant entitled, Carpal Tunnel Syndrome and Sensor Data Comparison .....	\$24,700
4518-0530	For the purposes of a federally funded grant entitled, State Assessment Initiatives Support by Cooperative Agreements .....	\$281,910
4518-1000	For the purposes of a federally funded grant entitled, Procurement of Information for the National Death Index .....	\$29,176
4518-1002	For the purposes of a federally funded grant entitled, Massachusetts Death File - Social Security Administration .....	\$137,650
4518-1003	For the purposes of a federally funded grant entitled, Massachusetts Birth Records - Social Security Administration .....	\$183,303
4518-9022	For the purposes of a federally funded grant entitled, Sentinel Event Notification System for Occupational Risks .....	\$242,756
4518-9023	For the purposes of a federally funded grant entitled, Census of Fatal Occupational Injuries .....	\$32,000
4518-9025	For the purposes of a federally funded grant entitled, Fatality Surveillance and Field Investigations .....	\$125,466
4570-1503	For the purposes of a federally funded grant entitled, Comprehensive Breast and Cervical Cancer Early Detection Program .....	\$2,600,821
4570-1506	For the purposes of a federally funded grant entitled, National Comprehensive Cancer Control .....	\$557,980

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4570-1507 For	the purposes of a federally funded grant entitled, Evaluation of Five a Day Nutrition Program . . . . .	\$92,624
4570-1508 For	the purposes of a federally funded grant entitled, Well-integrated Screening and Evaluation for Women Across the Nation . . . . .	\$1,568,005
4590-0303 For	the purposes of a federally funded grant entitled, Tobacco Sales Retail Compliance . . . . .	\$333,815
4590-0305 For	the purposes of a federally funded grant entitled, Tobacco Use Prevention and Control . . . . .	\$1,568,058

*Department of Social Services.*

4800-0005 For	the purposes of a federally funded grant entitled, Children's Justice Act . . . . .	\$185,173
4800-0007 For	the purposes of a federally funded grant entitled, The Family Violence Prevention and Support Services Act . . . . .	\$1,485,171
4800-0009 For	the purposes of a federally funded grant entitled, Title IV-E Independent Living . . . . .	\$1,333,008
4800-0013 For	the purposes of a federally funded grant entitled, Family Preservation and Support Services . . . . .	\$4,106,725
4899-0001 For	the purposes of a federally funded grant entitled, Title IV-B Child Welfare Services . . . . .	\$4,639,349
4899-0022 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect Prevention and Treatment . . . . .	\$442,673

*Department of Mental Health.*

5012-9104 For	the purposes of a federally funded grant entitled, Statewide Implementation of an Exemplary Practice . . . . .	\$60,000
5012-9121 For	the purposes of a federally funded grant entitled, Project for Assistance in Transition from Homelessness . . . . .	\$625,726
5046-9102 For	the purposes of a federally funded grant entitled, Shelter Plus Care Program . . . . .	\$144,322
5047-9101 For	the purposes of a federally funded grant entitled, Worcester Communities of Care for Youth . . . . .	\$300,000

*Department of Mental Retardation.*

5947-0005 For	the purposes of a federally funded grant entitled, Family Support Model Demonstration Project . . . . .	\$200,000
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**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

*Office of the Secretary.*

6000-0018	For the purposes of a federally funded grant entitled, Rural Public Transportation Assistance .....	\$2,800,000
6000-0019	For the purposes of a federally funded grant entitled, Section 5307 Transportation Demand Management .....	\$900,000
6000-0020	For the purposes of a federally funded grant entitled, Jobs Access Reverse Commute .....	\$2,050,853
6000-0023	For the purposes of a federally funded grant entitled, Rural Public Transportation Planning Grant .....	\$1,600,000
6000-0049	For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation Capital Grant .....	\$1,500,000

*Massachusetts Aeronautics Commission.*

6006-0042	For the purposes of a federally funded grant entitled, Airport System Planning .....	\$400,000
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*Board of Commissioners.*

7000-9700	For the purposes of a federally funded grant entitled, Federal Reserve - Title I .....	\$198,481
7000-9702	For the purposes of a federally funded grant entitled, Library Service Technology Act .....	\$3,027,809
7000-9707	For the purposes of a federally funded grant entitled, Title II LSCA Emergency Federal Jobs Bill .....	\$60,026

*Department of Labor and Workforce Development.*

7002-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistics Program .....	\$94,634
7002-4204	For the purposes of a federally funded grant entitled, Adult Blood Lead Levels Surveillance .....	\$20,877
7002-4212	For the purposes of a federally funded grant entitled, Asbestos Licensing and Monitoring .....	\$97,148
7002-4213	For the purposes of a federally funded grant entitled, Lead Licensing and Monitoring .....	\$371,314
7002-4215	For the purposes of a federally funded grant entitled, Occupational Illness and Injury .....	\$93,026
7002-4216	For the purpose of a federally funded grant entitled, Lead Enforcement Cooperation Agreement .....	\$73,337



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7002-6627	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Onsite Consultation Program . . . . .	\$1,125,885
7003-1010	For the purposes of a federally funded grant entitled, Trade Expansion Act Program . . . . .	\$4,353,970
7003-1624	For the purpose of a federally funded grant entitled, Title V Veterans . . . . .	\$850,000
7003-1627	For the purpose of federally funded grant entitled Welfare to Work . . . . .	\$30,719,503
7003-1628	For the purpose of a federally funded grant entitled, Workforce Investment Act Title I . . . . .	\$39,029,858
7003-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training . . . . .	\$33,429
7003-9006	For the purposes of a federally funded grant entitled, One-Stop Career Centers; provided, that on or before December 1, 1999, the joint committee on commerce and labor and the house and senate committees on ways and means shall be provided with a detailed accounting of the amounts previously received pursuant to said grant and the specific purposes for which and by whom such monies have been used . . . . .	\$1,208,052

### *Division of Employment and Training.*

7002-6624	For the purposes of a federally funded grant entitled, Unemployment Insurance Programs Administration . . . . .	\$68,958,469
7002-6626	For the purposes of a federally funded grant entitled, Employment Service Programs Administration . . . . .	\$21,242,091
7002-6629	For the purposes of a federally funded grant entitled, Local Veterans Employment Representative Program . . . . .	\$1,685,117
7003-9006	For the purposes of a federally funded grant entitled, one stop career centers; provided, that on or before December 1, 1999, the joint committee on commerce and labor and the house and senate committees on ways and means shall be provided with a detailed accounting of the amounts previously received pursuant to said grant and the specific purposes for which and by whom such monies have been used . . . . .	\$1,517,711

### *Department of Housing and Community Development.*

7004-0300	For the purposes of a federally funded grant entitled, Lead Safe Home . . . . .	\$1,000,000
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7004-2030 For	the purposes of a federally funded grant entitled, Weatherization Assistance for Low Income Persons; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$4,500,000
7004-2033 For	the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development shall provide monthly payments in advance to participating agencies . . . . .	\$62,265,844
7004-2034 For	the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$13,172,309
7004-3037 For	the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant Program; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$64,029,849
7004-9009 For	the purposes of a federally funded grant entitled, Section 8 Substantial Rehabilitation Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$5,303,713
7004-9011 For	the purposes of a federally funded grant entitled, Supportive Housing Demonstration Program . . . . .	\$385,716
7004-9014 For	the purposes of a federally funded grant entitled, Section 8 Federal Housing Voucher Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$120,000,000
7004-9019 For	the purposes of a federally funded grant entitled, Section 8 Moderate Rehabilitation; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$12,850,000

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7004-9020	For the purposes of a federally funded grant entitled, Section 8 New Construction Program; provided, that the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$4,042,665
7004-9028	For the purposes of a federally funded grant entitled, HOME; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$18,277,112
7004-9039	For the purposes of a federally funded grant entitled, HOME Technical Assistance . . . . .	\$200,021
7004-9051	For the purposes of a federally funded grant entitled, Shelter Plus Care-Lowell; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$75,000
7004-9052	For the purposes of a federally funded grant entitled, Shelter Plus Care-Boston; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$526,003
7004-9053	For the purposes of a federally funded grant entitled, Shelter Plus Care-Southbridge; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$330,000
7004-9054	For the purposes of a federally funded grant entitled, Shelter Plus Care-New Bedford; provided, that consistent with applicable federal regulations and the state plan, the department of housing and community development may provide monthly payments in advance to participating agencies . . . . .	\$110,897

*Division of Energy Resources.*

7006-9201	For the purposes of a federally funded grant entitled, Automated CNG Fueling Station . . . . .	\$90,000
7006-9202	For the purposes of a federally funded grant entitled, Clean Cities Coordinator . . . . .	\$19,991
7006-9203	For the purposes of a federally funded grant entitled, Weston School Bus Project . . . . .	\$100,000

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7006-9204	For the purposes of a federally funded grant entitled, Better Building Project Phase III .....	\$289,263
7006-9205	For the purposes of a federally funded grant entitled, Industrial Technologies Northeast .....	\$48,000
7006-9206	For the purposes of a federally funded grant entitled, Wind Turbine Project .....	\$51,073
7006-9720	For the purposes of a federally funded grant entitled, State Heating Oil and Propane Program .....	\$22,168
7006-9743	For the purposes of a federally funded grant entitled, State Energy Plan .....	\$985,029
7006-9757	For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program .....	\$30,000

*Department of Economic Development.*

7007-0002	For the purposes of a federally funded grant entitled, Massachusetts Fisheries Initiative .....	\$540,000
7007-0211	For the purposes of a federally funded grant entitled, Massachusetts Modernization Partnership .....	\$2,356,000
7007-9007	For the purposes of a federally funded grant entitled, Urban Enterprise Program .....	\$6,011,387

**DEPARTMENT OF EDUCATION.**

7010-2000	For the purposes of a federally funded grant entitled, Goals 2000 – Distribution .....	\$9,500,000
7010-2001	For the purposes of a federally funded grant entitled, Goals 2000 – Administration .....	\$1,999,000
7010-6610	For the purposes of a federally funded grant entitled, Initial Teacher Professional Development - Administration .....	\$82,857
7010-6611	For the purposes of a federally funded grant entitled, Initial Teacher Professional Development- Distribution .....	\$235,000
7010-8801	For the purposes of a federally funded grant entitled, Technology Literacy Challenge - Distribution .....	\$6,800,000
7010-8802	For the purposes of a federally funded grant entitled, Technology Literacy Challenge – Administration .....	\$1,100,000
7010-9095	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement- Administration .....	\$414,000
7010-9096	For the purposes of a federally funded grant entitled, Massachusetts Parent Involvement – Distribution .....	\$450,000
7010-9097	For the purposes of a federally funded grant entitled, Palms Phase II- Administration .....	\$367,135



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7010-9098	For the purposes of a federally funded grant entitled, Palms Phase II- Distribution .....	\$1,420,000
7010-9706	For the purposes of a federally funded grant entitled, Common Core Data Project .....	\$26,000
7010-9732	For the purposes of a federally funded grant entitled, Title IV Innovative Education Strategies Program – Administration ..	\$1,900,000
7027-9113	For the purposes of a federally funded grant entitled, Technical Preparation – Administration .....	\$127,723
7027-9117	For the purposes of a federally funded grant entitled, Occupational Education – Distribution .....	\$17,000,000
7027-9125	For the purposes of a federally funded grant entitled, Technical Preparation - Board of Higher Education .....	\$1,600,000
7027-9126	For the purposes of a federally funded grant entitled, Occupational Education-Administration .....	\$1,892,790
7027-9732	For the purposes of a federally funded grant entitled, Chapter II-E.C.I.A.- Administration .....	\$1,002,670
7028-0601	For the purposes of a federally funded grant entitled, Education of the Handicapped – Administration .....	\$4,983,236
7028-9500	For the purposes of a federally funded grant entitled, Special Education for Culturally and Linguistically Diverse Exceptional Students .....	\$232,000
7030-0191	For the purposes of a federally funded grant entitled, Bilingual Education Programs - Technical Assistance by State Education Agencies .....	\$104,000
7030-2121	For the purposes of a federally funded grant entitled, Reading Excellence – Distribution .....	\$5,800,000
7030-2122	For the purposes of a federally funded grant entitled, Reading Excellence – Administration .....	\$302,000
7030-9737	For the purposes of a federally funded grant entitled, Chapter II Block Grant – Distribution .....	\$7,040,000
7030-9780	For the purposes of a federally funded grant entitled, Dwight D Eisenhower Math and Science Education Act - Administration .....	\$594,292
7030-9791	For the purposes of a federally funded grant entitled, Dwight D Eisenhower Math and Science Education Act - Distribution ..	\$5,200,000
7032-0190	For the purposes of a federally funded grant entitled, Class Size Reduction Project .....	\$22,447,648
7032-0217	For the purposes of a federally funded grant entitled, Robert C Byrd Honors Scholarship Program – Distribution .....	\$785,810
7032-0227	For the purposes of a federally funded grant entitled, Drug-Free Schools – Administration .....	\$937,776

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7032-0228	For the purposes of a federally funded grant entitled, Massachusetts AIDS Education Program .....	\$900,544
7032-0231	For the purposes of a federally funded grant entitled, Drug-Free Schools – Distribution .....	\$8,926,500
7032-0402	For the purposes of a federally funded grant entitled, Local Education Agencies Education of Children of Low Income Families - Administration .....	\$1,520,000
7032-0403	For the purposes of a federally funded grant entitled, Chapter I Administrative Grants .....	\$642,322
7033-9401	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program – Administration .....	\$4,491
7033-9402	For the purposes of a federally funded grant entitled, Christa McAuliffe Fellowship Program – Distribution .....	\$42,649
7035-0013	For the purposes of a federally funded grant entitled, Education of the Handicapped – Distribution .....	\$7,495,319
7035-0020	For the purposes of a federally funded grant entitled, Project Focus-Administration .....	\$1,009,000
7035-0117	For the purposes of a federally funded grant entitled, Education Consolidation Innovative Act Distribution .....	\$162,000,000
7035-0127	For the purposes of a federally funded grant entitled, Neglected and Delinquent Children-2000 .....	\$1,250,813
7035-0137	For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions-2000 .....	\$897,280
7035-0147	For the purposes of a federally funded grant entitled, Migrant Education .....	\$3,320,000
7035-0152	For the purposes of a federally funded grant entitled, Homeless Children Youth Exemplary Grant .....	\$610,000
7035-0155	For the purposes of a federally funded grant entitled, Chapter I Capital Expenses - Private Schools .....	\$1,175,900
7035-0158	For the purposes of a federally funded grant entitled, Massachusetts Educational Program for Homeless Children .....	\$164,589
7035-0166	For the purposes of a federally funded grant entitled, Even Start Family Literacy – Distribution .....	\$2,330,000
7035-0167	For the purposes of a federally funded grant entitled, Even Start Family Literacy – Administration .....	\$156,235
7035-0176	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration – Distribution .....	\$2,930,000
7035-0177	For the purposes of a federally funded grant entitled, Comprehensive School Demonstration – Administration .....	\$188,000
7035-0210	For the purposes of a federally funded grant entitled, Advanced Placement Fee Payment Program .....	\$79,326

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7035-0317	For the purposes of a federally funded grant entitled, Education of the Handicapped – Distribution . . . . .	\$80,000,000
7035-0713	For the purposes of a federally funded grant entitled, Early Childhood Incentive . . . . .	\$450,000
7035-0717	For the purposes of a federally funded grant entitled, Preschool Incentive – Distribution-2000 . . . . .	\$7,400,000
7035-0718	For the purposes of a federally funded grant entitled, Preschool Incentive – Discretionary . . . . .	\$2,365,117
7038-0002	For the purposes of a federally funded grant entitled, Adult Basic Education – Title III . . . . .	\$2,190,093
7038-0107	For the purposes of a federally funded grant entitled, Adult Basic Education - Distribution . . . . .	\$5,831,056
7038-0131	For the purposes of a federally funded grant entitled, Job Training Partnership Act . . . . .	\$172,629
7038-0189	For the purposes of a federally funded grant entitled, Statewide Family Literacy – Distribution . . . . .	\$20,000
7038-0190	For the purposes of a federally funded grant entitled, Statewide Family Literacy – Administration . . . . .	\$165,500
7038-0191	For the purposes of a federally funded grant entitled, Learning Disability Training – Distribution . . . . .	\$106,900
7038-0192	For the purposes of a federally funded grant entitled, Adult Learning Disabilities New England Partnership – Administration . . . . .	\$84,900
7038-9002	For the purposes of a federally funded grant entitled, National & Community Services - Administration . . . . .	\$510,000
7038-9004	For the purposes of a federally funded grant entitled, Massachusetts Plan for Community Service - Distribution . . . .	\$472,500
7038-9005	For the purposes of a federally funded grant entitled, Learn and Serve America - School Based Training . . . . .	\$66,342
7038-9204	For the purposes of a federally funded grant entitled, CNCS American Conservation and Youth Service Corps - Distribution . . . . .	\$6,350,000
7038-9404	For the purposes of a federally funded grant entitled, Learn and Serve America Community Based Training – Administration . . . . .	\$170,000
7038-9724	For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance . . . . .	\$110,000
7038-9747	For the purposes of a federally funded grant entitled, Emergency Immigrant Assistance – Distribution . . . . .	\$4,150,000
7038-9748	For the purposes of a federally funded grant entitled, Refugee Children School Impact Grant Program . . . . .	\$500,000

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7053-2105	For the purposes of a federally funded grant entitled, Special Food Distribution Cash .....	\$700,000
7053-2111	For the purposes of a federally funded grant entitled, Special Milk Program .....	\$675,000
7053-2112	For the purposes of a federally funded grant entitled, Special Assistance Funds .....	\$71,400,000
7053-2113	For the purposes of a federally funded grant entitled, Community School Lunch Program .....	\$23,000,000
7053-2114	For the purposes of a federally funded grant entitled, School Breakfast Program .....	\$27,000,000
7053-2117	For the purposes of a federally funded grant entitled, Child Care Program .....	\$48,800,000
7053-2118	For the purposes of a federally funded grant entitled, School Food Service - Management and Related Activities .....	\$200,000
7053-2126	For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance .....	\$905,000
7053-2202	For the purposes of a federally funded grant entitled, Special Summer Food Service Program for Children .....	\$5,500,000
7062-0008	For the purposes of a federally funded grant entitled, Office of School Lunch Programs - Child Care Program Administration .....	\$2,200,000
7062-0009	For the purposes of a federally funded grant entitled, Summer Feeding - Administration .....	\$175,000
7062-0010	For the purposes of a federally funded grant entitled, Two Percent Child Care- Administration .....	\$825,000
7062-0016	For the purposes of a federally funded grant entitled, Charter Schools Assistance .....	\$273,200
7062-0017	For the purposes of a federally funded grant entitled, Charter Schools Assistance- Distribution .....	\$4,900,000
7062-0018	For the purposes of a federally funded grant entitled, Cooperative Demonstration School-to-Work Opportunities Implementation Program .....	\$4,250,000

*Board of Higher Education.*

7066-6022	For the purposes of a federally funded grant entitled, Gear Up ...	\$2,815,224
7066-6092	For the purposes of a federally funded grant entitled, Dwight D. Eisenhower Mathematics and Science Education Act .....	\$1,600,000
7070-0017	For the purposes of a federally funded grant entitled, State Student Incentive Grant Program - Board of Higher Education .....	\$821,226



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7110-6019	For the purposes of a federally funded grant entitled, Upward Bound Payroll and Benefits - Fitchburg State College . . . . .	\$120,969
7110-6030	For the purposes of a federally funded grant entitled, Expanding Horizons Student Support Services - Fitchburg State College . . . . .	\$160,301
7110-6031	For the purposes of a federally funded grant entitled, Community Policing US Justice Department - Fitchburg State College . . . . .	\$6,400
7110-6033	For the purposes of a federally funded grant entitled, Leadership Center Career Development - Fitchburg State College . . . . .	\$42,298
7110-6035	For the purposes of a federally funded grant entitled, Leadership and Peer Education Training - Fitchburg State College . . . . .	\$91,421
7110-6041	For the purposes of a federally funded grant entitled, Community Outreach Partnership Center - Fitchburg State College . . . . .	\$51,114
7110-6064	For the purposes of a federally funded grant entitled, USIA Community Connections Payroll - Fitchburg State College . . . . .	\$7,678
7114-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Salem State College . . .	\$313,000
7503-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Bristol Community College . . . . .	\$261,767
7503-9714	For the purposes of a federally funded grant entitled, Upward Bound Program - Bristol Community College . . . . .	\$123,813
7504-5000	For the purposes of a federally funded grant entitled, Federal Grants . . . . .	\$263,232
7505-0590	For the purposes of a federally funded grant entitled, Cops Universal Hiring - Greenfield Community College . . . . .	\$20,436
7505-0597	For the purposes of a federally funded grant entitled, National Science Foundation - Payroll . . . . .	\$38,874
7508-9760	For the purposes of a federally funded grant entitled, Student Support Services Program-Massasoit Community College . . . . .	\$94,602
7508-9770	For the purposes of a federally funded grant entitled, Cops Universal Hiring Award Program . . . . .	\$72,022
7509-9714	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Mount Wachusett Community College . . . . .	\$191,403
7509-9718	For the purposes of a federally funded grant entitled, Talent Search - Mount Wachusett Community College . . . . .	\$175,453
7509-9721	For the purposes of a federally funded grant entitled, Gear-up - Payroll - Mount Wachusett Community College . . . . .	\$184,706

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7510-9731	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - Northern Essex Community College .....	\$75,000
7511-9711	For the purposes of a federally funded grant entitled, Special Services for Disadvantaged Students - North Shore Community College .....	\$367,595
7511-9740	For the purposes of a federally funded grant entitled, Upward Bound - North Shore Community College .....	\$319,222
7512-9726	For the purposes of a federally funded grant entitled, Title III Strengthening Institutions Program .....	\$34,095
7518-6127	For the purposes of a federally funded grant entitled, College Work Study Program - Bunker Hill Community College .....	\$207,022

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

*Department of State Police.*

8100-0060	For the purposes of a federally funded grant entitled, Cops More Community Policing II .....	\$254,345
8100-0204	For the purposes of a federally funded grant entitled, Motor Carrier Safety Internship .....	\$61,317
8100-2058	For the purposes of a federally funded grant entitled, New England State Police Administrator's Conference - Regional Investigation .....	\$2,495,796
8100-9706	For the purposes of a federally funded grant entitled, Cannabis Eradication Controlled Substance Prosecution DEA Cooperative Agreement .....	\$80,000
8100-9710	For the purposes of a federally funded grant entitled, State Police - Boston Police Forensic DNA Lab Improvements .....	\$387,930
8100-9711	For the purposes of a federally funded grant entitled, Crime Lab State Identification System .....	\$304,073
8100-9712	For the purposes of a federally funded grant entitled, Crime Lab State Identification System II .....	\$100,000

*Department of Fire Services.*

8324-9707	For the purposes of a federally funded grant entitled, Underground Storage Tank Registry Program .....	\$200,000
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*Committee on Criminal Justice.*

8600-0002	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act - Planning .....	\$140,648
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8600-0003	For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act .....	\$1,297,462
8600-0008	For the purposes of a federally funded grant entitled, Drug-Free Schools and Communities Act of 1986 .....	\$1,600,000
8600-0009	For the purposes of a federally funded grant entitled, Narcotics Control Assistance .....	\$9,652,800
8600-0010	For the purposes of a federally funded grant entitled, Statistical Analysis Center .....	\$51,809
8600-0019	For the purposes of a federally funded grant entitled, Title V - Delinquency Prevention .....	\$807,000
8600-0020	For the purposes of a federally funded grant entitled, Stop Violence Against Women Formula Grants Program .....	\$3,274,902
8600-0021	Challenge Grants Programs .....	\$169,000
8600-0023	For the purposes of a federally funded grant entitled, Criminal History Improvement .....	\$1,100,000
8600-0024	For the purposes of a federally funded grant entitled, State Prisoner Residential Substance Abuse Treatment .....	\$699,515
8600-0025	For the purposes of a federally funded grant entitled, Local Law Enforcement Block Grants .....	\$664,649
8600-0026	For the purposes of a federally funded grant entitled, Violent Offender Incarceration and Truth in Sentencing Incentive Grant .....	\$4,693,354
8600-0033	For the purposes of a federally funded grant entitled, Motor Vehicle Theft Prevention Program .....	\$50,000
8600-0034	For the purposes of a federally funded grant entitled, Juvenile Accountability Incentive Block Grant .....	\$4,636,900
8600-0035	For the purposes of a federally funded grant entitled, Massachusetts National Sex Offender Registry .....	\$3,500
8600-0036	For the purposes of a federally funded grant entitled, Residential Substance Abuse Treatment Evaluation .....	\$43,805

*Massachusetts Emergency Management Agency.*

8800-0003	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Personnel and Administrative Expenses .....	\$1,148,592
8800-0004	For the purposes of a federally funded grant entitled, Emergency Management Assistance - Distribution to Cities and Towns .....	\$700,199
8800-0005	For the purposes of a federally funded grant entitled, Disaster Preparedness Assistance .....	\$51,627

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8800-0006	For the purposes of a federally funded grant entitled, Radiological Systems Maintenance .....	\$153,428
8800-0007	For the purposes of a federally funded grant entitled, Radiological Defense Officer .....	\$62,168
8800-0008	For the purposes of a federally funded grant entitled, Population Protection Planning Program .....	\$220,394
8800-0009	For the purposes of a federally funded grant entitled, Emergency Management Training - State and Local Personnel .....	\$414,288
8800-0019	For the purposes of a federally funded grant entitled, Superfund Amendment and Reauthorization Acts of 1986 .....	\$69,000
8800-0037	For the purposes of a federally funded grant entitled, Hazard Mitigation .....	\$3,292,644
8800-0040	For the purposes of a federally funded grant entitled, Emergency Management Assistance - December 1992 Coastal Storm ....	\$2,250,000
8800-0042	For the purposes of a federally funded grant entitled, Hazardous Materials Transportation Act .....	\$145,769
8800-0046	For the purposes of a federally funded grant entitled, Mitigation Assistance Program .....	\$306,169
8800-0048	For the purposes of a federally funded grant entitled, Flood Mitigation Assistance Program .....	\$448,000
8800-0054	For the purposes of a federally funded grant entitled, Disaster Relief - October 1996 Floods .....	\$5,155,419
8800-0055	For the purposes of a federally funded grant entitled, Department of Housing and Urban Development Disaster Relief ...	\$4,297,444

### *Governor's Highway Safety Board.*

8850-0004	For the purposes of a federally funded grant entitled, State Agency Programs .....	\$3,495,317
8850-0021	For the purposes of a federally funded grant entitled, Program to Combat Underage Drinking .....	\$285,292
8850-0022	For the purposes of a federally funded grant entitled, Crash Outcome Data Evaluation System .....	\$202,085
8850-0023	For the purposes of a federally funded grant entitled, Enforcing Underage Drinking Laws .....	\$180,000

### *Sheriffs.*

8910-0118	For the purposes of a federally funded grant entitled, Life Skills for Offenders .....	\$393,881
8910-0370	For the purposes of a federally funded grant entitled, HIV/STD/TB Applied Research Project .....	\$300,000



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8910-0901 For the purposes of a federally funded grant entitled, Triad COPS .....	\$22,000
8910-0902 For the purposes of a federally funded grant entitled, Assault Research COPS .....	\$90,000

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

*Office of the Secretary.*

9110-1074 For the purposes of a federally funded grant entitled, Older Americans Assistance, Title III and Title VII; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies .....	\$10,075,009
9110-1095 For the purposes of a federally funded grant entitled, Health Information Counseling and Assistance; provided that the executive office of elder affairs may provide periodic payments in advance to participating agencies .....	\$355,228
9110-1173 For the purposes of a federally funded grant entitled, Older Americans Act - Title III Nutrition Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies .....	\$13,350,000
9110-1178 For the purposes of a federally funded grant entitled, Community Service Employment Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies .....	\$1,971,683
9110-1181 For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program; provided, that the executive office of elder affairs may provide periodic payments in advance to participating agencies .....	\$3,950,000
9110-2106 For the purpose of a federally funded grant entitled, Anti-Fraud project of Mass Health Insurance Information, Counseling and Assistance .....	\$51,574
9110-2209 For the purpose of a federally funded grant entitled, Information and Referral for Medicare Beneficiaries Project .....	\$36,283

**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2001, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$730,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid

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Fund; provided further, that the total amount of lottery distribution in fiscal year 2000 shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding any general or special law to the contrary, any Chapter 70 school aid amount allocated to any school district for fiscal year 2001 in excess of the amount that appeared in section 3 of House Bill 1a shall be made available to the district's school committee for expenditure without further local appropriation upon the request of the school committee and the vote of the local appropriation authority as defined in section 21C of chapter 59 of the General Laws, following a recommendation of the local appropriation, finance, or advisory committee, if any.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	6,135,872	-	-	1,937,749
ACTON	2,363,989	-	37,368	1,322,758
ACQUINNAH	-	-	-	2,099
ACUSHNET	4,877,135	-	30,043	1,481,867
ADAMS	-	-	44,096	1,911,461

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
AGAWAM	11,423,637	-	-	3,494,173
ALFORD	-	-	-	14,479
AMESBURY	9,823,277	-	-	1,957,049
AMHERST	5,753,392	58,306	280,503	7,548,416
ANDOVER	5,603,417	-	-	1,743,403
ARLINGTON	5,611,898	-	5,652,310	4,289,441
ASHBURNHAM	-	-	-	650,346
ASHBY	-	-	-	383,684
ASHFIELD	119,531	-	-	156,982
ASHLAND	2,380,142	-	366,937	993,030
ATHOL	-	-	5,507	2,094,731
ATTLEBORO	22,945,750	-	-	5,354,887
AUBURN	4,060,120	-	-	1,611,348
AVON	645,565	-	504,148	386,098
AYER	4,309,573	34,722	55,642	726,492
BARNSTABLE	6,967,632	-	-	1,953,128
BARRE	7,626	-	-	743,766
BECKET	90,401	-	10,797	72,817
BEDFORD	2,073,455	-	609,391	774,826
BELCHERTOWN	7,311,796	-	-	1,436,513
BELLINGHAM	7,419,008	-	-	1,807,558
BELMONT	3,310,644	-	1,041,278	1,703,869
BERKLEY	3,889,073	-	-	520,941
BERLIN	606,774	-	-	213,679
BERNARDSTON	-	-	-	244,561
BEVERLY	7,077,302	-	3,086,077	3,866,695
BILLERICA	13,905,674	-	2,956,313	4,009,427
BLACKSTONE	145,640	-	-	1,244,987
BLANDFORD	-	-	-	111,621
BOLTON	-	-	-	176,078
BOSTON	197,517,540	4,050,572	206,638,214	60,418,459

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
BOURNE	3,390,395	-	443,645	1,126,839
BOXBOROUGH	1,359,970	-	-	228,088
BOXFORD	1,654,948	-	45,818	431,807
BOYLSTON	403,611	-	-	333,768
BRAINTREE	5,059,969	-	4,250,822	3,096,253
BREWSTER	994,524	-	-	365,303
BRIDGEWATER	126,280	-	-	3,059,904
BRIMFIELD	1,080,631	-	-	340,958
BROCKTON	98,005,653	813,718	5,424,063	17,153,986
BROOKFIELD	1,615,943	-	-	462,568
BROOKLINE	5,549,388	-	4,401,448	3,801,021
BUCKLAND	7,971	-	-	256,065
BURLINGTON	4,027,283	-	1,744,603	1,511,742
CAMBRIDGE	8,008,094	280,884	22,595,349	7,726,972
CANTON	2,813,549	-	1,104,851	1,385,832
CARLISLE	647,006	-	18,534	207,382
CARVER	8,535,497	-	-	1,367,373
CHARLEMONT	87,310	-	-	147,810
CHARLTON	-	-	-	1,200,532
CHATHAM	505,305	-	-	161,860
CHELMSFORD	7,166,800	-	3,190,395	3,059,231
CHELSEA	37,834,256	406,231	4,274,507	5,250,941
CHESHIRE	255,668	-	-	501,478
CHESTER	-	-	-	154,249
CHESTERFIELD	140,703	-	-	115,640
CHICOPEE	33,749,961	226,072	1,504,526	9,375,647
CHILMARK	-	-	-	3,744
CLARKSBURG	1,265,524	-	16,502	343,701
CLINTON	8,557,606	41,710	220,865	2,106,235
COHASSET	1,327,934	-	209,013	409,154
COLRAIN	-	-	-	213,393



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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
CONCORD	1,790,498	-	483,163	913,936
CONWAY	686,757	-	-	154,661
CUMMINGTON	31,908	-	-	67,537
DALTON	281,190	-	-	935,658
DANVERS	3,718,491	-	1,408,080	1,908,942
DARTMOUTH	6,996,173	-	-	2,427,815
DEDHAM	3,341,646	-	1,950,847	2,122,589
DEERFIELD	739,719	-	-	461,642
DENNIS	-	-	-	513,837
DIGHTON	-	-	-	665,349
DOUGLAS	5,227,778	-	-	634,391
DOVER	381,064	-	-	199,223
DRACUT	12,830,120	-	-	3,380,829
DUDLEY	-	-	-	1,443,703
DUNSTABLE	-	-	37,846	181,567
DUXBURY	3,001,647	-	-	908,556
EAST BRIDGEWATER	8,504,670	-	-	1,414,950
EAST BROOKFIELD	15,135	-	-	264,324
EAST LONGMEADOW	3,563,594	-	-	1,278,630
EASTHAM	289,905	-	-	139,551
EASTHAMPTON	7,355,933	45,640	137,004	2,553,997
EASTON	6,561,475	-	-	2,074,184
EDGARTOWN	374,673	-	35,873	44,895
EGREMONT	-	-	-	62,697
ERVING	287,238	-	16,548	63,521
ESSEX	771,504	-	42,569	225,598
EVERETT	16,163,309	185,345	5,139,628	3,353,663
FAIRHAVEN	6,776,542	39,690	492,569	1,937,429
FALL RIVER	78,564,299	611,721	2,882,862	21,431,851
FALMOUTH	4,820,267	-	-	1,326,693
FITCHBURG	31,865,917	334,004	270,312	7,888,703

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
FLORIDA	512,250	-	-	50,851
FOXBOROUGH	6,396,893	-	-	1,504,507
FRAMINGHAM	8,258,128	212,151	5,911,189	6,117,298
FRANKLIN	17,637,074	-	-	2,361,969
FREETOWN	969,826	-	-	923,868
GARDNER	14,413,888	62,510	151,944	3,800,826
GEORGETOWN	3,079,740	-	66,691	657,164
GILL	-	-	-	202,313
GLOUCESTER	6,198,905	83,856	2,419,911	2,505,990
GOSHEN	88,006	-	-	66,116
GOSNOLD	3,850	-	2,469	514
GRAFTON	4,948,767	-	-	1,502,629
GRANBY	2,810,524	-	-	797,806
GRANVILLE	746,590	-	-	131,585
GREAT BARRINGTON	-	-	-	754,373
GREENFIELD	9,349,216	86,585	-	2,929,888
GROTON	-	-	-	696,893
GROVELAND	-	-	-	635,807
HADLEY	645,338	-	174,084	308,607
HALIFAX	2,274,794	-	-	882,090
HAMILTON	-	-	53,967	592,355
HAMPDEN	-	-	-	570,125
HANCOCK	102,739	-	22,195	38,185
HANOVER	3,649,473	-	1,669,092	1,033,701
HANSON	-	-	-	1,213,860
HARDWICK	-	-	4,062	370,280
HARVARD	1,277,118	-	69,324	1,844,932
HARWICH	1,541,810	-	-	410,123
HATFIELD	646,509	-	-	298,728
HAVERHILL	32,999,267	183,380	3,149,881	7,527,791
HAWLEY	16,524	-	16,264	26,663

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
HEATH	-	-	-	58,863
HINGHAM	3,709,572	-	420,485	1,352,477
HINSDALE	94,757	-	-	198,474
HOLBROOK	4,363,784	-	5,987	1,513,049
HOLDEN	138,079	-	-	1,598,544
HOLLAND	711,755	-	-	167,265
HOLLISTON	6,827,358	-	518,826	1,206,004
HOLYOKE	58,922,200	462,080	763,384	9,071,572
HOPEDALE	4,703,997	-	-	620,193
HOPKINTON	2,841,044	-	151,365	616,955
HUBBARDSTON	-	-	-	313,003
HUDSON	6,280,365	-	-	2,022,436
HULL	4,389,761	28,771	1,747,307	1,072,907
HUNTINGTON	-	-	-	292,821
IPSWICH	2,138,378	-	975,780	994,994
KINGSTON	2,614,178	-	-	882,048
LAKEVILLE	1,910,725	-	-	732,981
LANCASTER	-	-	-	859,999
LANESBOROUGH	558,506	-	-	347,732
LAWRENCE	99,686,384	939,774	239,970	18,350,704
LEE	1,628,053	15,614	-	646,594
LEICESTER	7,848,184	-	-	1,664,620
LENOX	1,269,267	-	90,787	537,858
LEOMINSTER	28,954,305	147,130	14,714	5,226,377
LEVERETT	236,338	-	-	169,388
LEXINGTON	5,510,156	-	-	1,554,675
LEYDEN	-	-	-	67,181
LINCOLN	535,905	-	367,459	463,639
LITTLETON	1,341,977	-	207,535	550,625
LONGMEADOW	3,799,738	-	-	1,312,162
LOWELL	95,146,155	914,170	7,978,998	19,021,745

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**Chap. 159**

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
LUDLOW	9,114,895	-	-	2,656,126
LUNENBURG	3,174,045	-	-	1,044,348
LYNN	82,313,967	570,503	11,926,220	14,106,309
LYNNFIELD	1,935,550	-	455,892	747,474
MALDEN	21,843,447	189,331	7,030,168	8,269,720
MANCHESTER	808,298	-	-	239,028
MANSFIELD	7,731,051	-	912,368	1,411,972
MARBLEHEAD	2,751,704	-	49,583	1,140,517
MARION	371,605	-	-	215,733
MARLBOROUGH	5,672,831	-	3,433,241	3,088,862
MARSHFIELD	11,462,734	-	255,142	2,028,599
MASHPEE	4,108,938	-	-	252,127
MATTAPOISETT	510,843	-	-	409,407
MAYNARD	2,332,400	-	738,519	1,106,379
MEDFIELD	2,726,074	-	937,000	845,195
MEDFORD	12,225,116	87,841	8,094,393	7,143,020
MEDWAY	5,354,780	-	235,317	984,604
MELROSE	5,817,368	-	3,402,865	3,108,976
MENDON	-	-	-	364,802
MERRIMAC	-	-	-	720,852
METHUEN	22,003,182	132,772	205,147	5,069,393
MIDDLEBOROUGH	13,247,837	-	-	2,365,346
MIDDLEFIELD	-	-	-	40,637
MIDDLETON	974,993	-	159,272	336,468
MILFORD	10,973,178	-	-	3,025,277
MILLBURY	4,991,567	-	-	1,711,113
MILLIS	2,043,974	-	403,862	779,673
MILLVILLE	16,880	-	-	328,595
MILTON	3,574,314	-	1,566,851	2,320,986
MONROE	33,175	-	17,526	7,193
MONSON	5,161,986	-	-	1,191,772



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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
MONTAGUE	-	-	-	1,158,065
MONTEREY	-	-	15,777	35,149
MONTGOMERY	-	-	-	79,854
MOUNT WASHINGTON	10,766	-	41,886	3,084
NAHANT	431,179	-	157,791	294,794
NANTUCKET	904,785	-	-	73,545
NATICK	4,434,264	-	2,444,348	2,300,908
NEEDHAM	4,152,973	-	259,216	1,578,292
NEW ASHFORD	32,174	-	9,203	8,667
NEW BEDFORD	88,822,708	849,422	901,313	22,315,352
NEW BRAINTREE	-	-	-	104,889
NEW MARLBOROUGH	-	-	-	53,247
NEW SALEM	-	-	-	86,926
NEWBURY	-	-	-	435,976
NEWBURYPORT	3,307,740	-	1,736,621	1,521,265
NEWTON	10,822,741	-	1,732,789	4,961,844
NORFOLK	2,895,746	-	-	917,647
NORTH ADAMS	13,057,445	99,033	233,872	4,178,541
NORTH ANDOVER	4,154,862	-	151,695	1,784,619
NORTH ATTLEBOROUGH	13,863,579	-	-	2,801,866
NORTH BROOKFIELD	3,684,935	-	-	774,554
NORTH READING	2,814,776	-	1,189,787	1,026,960
NORTHAMPTON	7,263,454	62,510	727,239	3,842,841
NORTHBOROUGH	2,904,032	-	76,900	1,014,980
NORTHBRIDGE	10,789,324	70,972	3,865	2,196,229
NORTHFIELD	-	-	-	285,669
NORTON	9,139,961	-	-	1,994,132
NORWELL	2,056,929	-	680,878	651,358
NORWOOD	3,882,827	-	3,354,660	2,522,109
OAK BLUFFS	573,652	-	-	68,980
OAKHAM	55,295	-	-	158,334

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ORANGE	5,310,973	48,861	2,661	1,529,157
ORLEANS	255,215	-	-	175,593
OTIS	-	-	-	28,152
OXFORD	7,686,176	-	-	2,038,524
PALMER	9,278,379	47,169	-	1,770,671
PAXTON	16,933	-	-	434,693
PEABODY	14,291,462	-	3,951,625	4,747,907
PELHAM	122,775	-	-	140,974
PEMBROKE	4,603,048	-	-	1,612,090
PEPPERELL	-	-	-	1,212,687
PERU	39,473	-	-	98,418
PETERSHAM	171,424	-	-	102,425
PHILLIPSTON	-	-	5,519	151,948
PITTSFIELD	28,289,306	228,529	1,107,722	7,405,293
PLAINFIELD	52,627	-	-	40,173
PLAINVILLE	1,896,301	-	-	717,887
PLYMOUTH	19,343,518	-	-	3,567,920
PLYMPTON	527,268	-	-	227,859
PRINCETON	-	-	-	284,258
PROVINCETOWN	284,880	-	27,912	139,947
QUINCY	14,221,375	205,982	14,555,556	9,998,435
RANDOLPH	10,502,960	90,844	2,297,597	3,636,384
RAYNHAM	375	-	-	1,070,105
READING	5,717,802	-	1,931,472	2,048,654
REHOBOTH	-	-	-	875,724
REVERE	21,843,198	213,679	6,712,698	5,865,575
RICHMOND	367,603	-	-	110,352
ROCHESTER	1,046,414	-	-	395,386
ROCKLAND	9,862,441	-	496,221	2,319,897
ROCKPORT	1,345,072	-	-	433,997
ROWE	47,440	-	-	4,244

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ROWLEY	-	-	143,746	430,907
ROYALSTON	-	-	-	135,493
RUSSELL	-	-	-	210,785
RUTLAND	11,119	-	-	729,482
SALEM	11,563,901	163,289	4,151,021	3,934,399
SALISBURY	-	-	-	593,052
SANDISFIELD	7,986	-	-	28,582
SANDWICH	4,167,705	-	111,247	868,142
SAUGUS	3,954,381	-	2,245,040	2,207,020
SAVOY	359,327	-	17,367	94,956
SCITUATE	3,411,232	-	1,101,119	1,373,392
SEEKONK	3,320,942	-	-	1,164,918
SHARON	5,092,894	-	78,642	1,323,736
SHEFFIELD	-	-	15,023	210,330
SHELBURNE	-	-	-	248,316
SHERBORN	374,696	-	26,364	200,423
SHIRLEY	3,281,126	-	233,500	1,085,715
SHREWSBURY	6,394,912	-	376,077	2,324,233
SHUTESBURY	525,325	-	-	138,002
SOMERSET	2,747,578	-	-	1,354,986
SOMERVILLE	23,940,347	355,350	20,410,649	11,924,658
SOUTH HADLEY	5,903,648	-	25,437	2,409,835
SOUTHAMPTON	1,917,672	-	-	539,437
SOUTHBOROUGH	1,790,202	-	-	406,672
SOUTHBRIDGE	12,664,504	88,114	-	3,294,615
SOUTHWICK	-	-	-	1,039,346
SPENCER	191,049	-	-	1,969,537
SPRINGFIELD	188,368,793	1,682,738	2,302,181	31,662,215
STERLING	-	-	-	655,422
STOCKBRIDGE	-	-	-	103,848
STONEHAM	2,843,484	-	2,553,177	2,121,880

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
STOUGHTON	8,788,658	-	129,781	3,207,826
STOW	-	-	8,776	404,907
STURBRIDGE	1,129,411	-	-	707,899
SUDBURY	2,545,546	-	807,321	867,066
SUNDERLAND	774,093	-	-	443,197
SUTTON	3,713,326	-	-	731,296
SWAMPSCOTT	2,199,779	-	443,359	987,687
SWANSEA	4,697,989	-	-	1,833,514
TAUNTON	33,195,280	209,912	-	8,417,658
TEMPLETON	-	-	-	1,155,097
TEWKSBURY	10,877,449	-	-	2,818,404
TISBURY	324,435	-	-	100,862
TOLLAND	-	-	12,413	5,365
TOPSFIELD	588,769	-	318,725	409,877
TOWNSEND	-	-	-	1,105,040
TRURO	237,301	-	-	28,836
TYNGSBOROUGH	5,467,396	-	-	866,320
TYRINGHAM	31,350	-	-	12,774
UPTON	-	-	-	476,695
UXBRIDGE	7,314,944	-	-	1,366,547
WAKEFIELD	4,464,193	-	1,809,635	2,305,529
WALES	644,398	-	-	211,352
WALPOLE	4,876,111	-	1,112,115	1,830,814
WALTHAM	6,833,876	132,772	6,869,270	5,317,571
WARE	6,682,004	46,132	19,199	1,574,097
WAREHAM	11,252,161	101,489	-	2,023,306
WARREN	-	-	-	673,307
WARWICK	-	-	36,354	75,820
WASHINGTON	14,792	-	29,889	64,681
WATERTOWN	2,832,187	42,911	5,571,114	2,987,935
WAYLAND	2,558,974	-	352,813	684,182



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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
WEBSTER	7,022,996	58,797	78,026	2,267,713
WELLESLEY	3,417,769	-	121,858	1,306,757
WELLFLEET	137,415	-	-	60,250
WENDELL	-	-	32,131	118,906
WENHAM	-	-	175,913	315,359
WEST BOYLSTON	2,583,161	-	85,259	650,881
WEST BRIDGEWATER	1,860,025	-	59,411	615,979
WEST BROOKFIELD	-	-	-	427,276
WEST NEWBURY	-	-	-	278,022
WEST SPRINGFIELD	12,026,335	96,030	-	3,140,515
WEST STOCKBRIDGE	-	-	-	101,984
WEST TISBURY	-	-	229,569	33,253
WESTBOROUGH	2,929,324	-	182,536	958,275
WESTFIELD	25,649,147	153,353	-	5,614,170
WESTFORD	7,409,012	-	1,126,887	1,318,395
WESTHAMPTON	302,625	-	-	130,141
WESTMINSTER	-	-	-	588,282
WESTON	1,545,608	-	-	388,490
WESTPORT	3,250,142	-	-	1,251,390
WESTWOOD	2,345,177	-	45,632	711,159
WEYMOUTH	18,658,316	-	3,050,391	7,133,738
WHATELY	108,283	-	-	119,028
WHITMAN	-	-	-	2,118,193
WILBRAHAM	-	-	-	1,188,359
WILLIAMSBURG	420,784	-	-	297,460
WILLIAMSTOWN	995,285	-	-	928,614
WILMINGTON	3,595,579	-	1,578,564	1,366,417
WINCHENDON	9,079,325	40,672	31,919	1,496,253
WINCHESTER	3,413,610	-	433,387	1,254,678
WINDSOR	39,209	-	35,260	59,577
WINTHROP	4,814,358	-	2,878,558	2,505,350

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Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
WOBURN	4,925,045	-	4,513,710	3,115,365
WORCESTER	137,131,721	1,327,880	14,860,192	29,486,981
WORTHINGTON	-	-	-	104,039
WRENTHAM	3,106,685	-	-	940,188
YARMOUTH	-	-	-	1,166,723
Total Aid to Regional Schools	498,078,046	338,480		
Total	2,990,396,788	18,000,000	476,315,282	730,000,000

Regional School	7061-0008 Chapter 70	7061-0022 Reduce Class Size
ACTON BOXBOROUGH	3,124,017	-
ADAMS CHESHIRE	9,496,860	52,137
AMHERST PELHAM	8,651,432	-
ASHBURNHAM WESTMINSTER	8,188,315	-
ASSABET VALLEY	3,012,388	-
ATHOL ROYALSTON	15,117,002	56,832
BERKSHIRE HILLS	3,192,490	19,872
BERLIN BOYLSTON	861,159	-
BLACKSTONE MILLVILLE	10,012,184	-
BLACKSTONE VALLEY	5,576,171	-
BLUE HILLS	3,524,021	-
BRIDGEWATER RAYNHAM	17,589,556	-
BRISTOL COUNTY	1,421,278	-
BRISTOL PLYMOUTH	5,479,572	-
CAPE COD	2,164,217	-
CENTRAL BERKSHIRE	8,158,374	-
CHESTERFIELD GOSHEN	637,835	-
CONCORD CARLISLE	1,633,183	-

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Regional School	7061-0008	7061-0022
	Chapter 70	Reduce Class Size
DENNIS YARMOUTH	6,985,698	100,234
DIGHTON REHOBOTH	10,272,137	-
DOVER SHERBORN	1,310,320	-
DUDLEY CHARLTON	16,640,801	-
ESSEX COUNTY	3,628,685	-
FARMINGTON RIVER	408,988	-
FRANKLIN COUNTY	2,185,138	-
FREETOWN LAKEVILLE	5,298,861	-
FRONTIER	2,445,805	-
GATEWAY	6,862,298	-
GILL MONTAGUE	6,335,058	39,690
GREATER FALL RIVER	10,583,225	-
GREATER LAWRENCE	12,332,578	-
GREATER LOWELL	14,658,950	-
GREATER NEW BEDFORD	18,113,788	-
GROTON DUNSTABLE	7,336,714	-
HAMILTON WENHAM	3,248,923	-
HAMPDEN WILBRAHAM	8,362,852	-
HAMPSHIRE	2,180,514	-
HAWLEMONT	701,591	-
KING PHILIP	4,593,324	-
LINCOLN SUDBURY	1,979,352	-
MARTHAS VINEYARD	2,175,172	-
MASCONOMET	4,094,718	-
MENDON UPTON	5,415,065	-
MINUTEMAN	2,395,612	-
MOHAWK TRAIL	7,152,548	30,518
MONTACHUSETT	6,852,257	-
MOUNT GREYLOCK	1,999,805	-
NARRAGANSETT	7,131,054	-
NASHOBA	6,188,754	-

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Regional School	7061-0008	7061-0022
	Chapter 70	Reduce Class Size
NASHOBA VALLEY	2,301,566	-
NAUSET	3,612,426	-
NEW SALEM WENDELL	734,397	-
NORFOLK COUNTY	731,191	-
NORTH MIDDLESEX	19,841,723	-
NORTH SHORE	1,734,719	-
NORTHAMPTON SMITH	905,377	-
NORTHBORO SOUTHBORO	1,651,669	-
NORTHEAST METROPOLITAN	6,426,270	-
NORTHERN BERKSHIRE	2,812,566	-
OLD COLONY	2,137,854	-
OLD ROCHESTER	1,707,801	-
PATHFINDER	2,234,562	-
PENTUCKET	11,196,571	-
PIONEER	3,918,690	-
QUABBIN	13,344,587	-
QUABOAG	7,437,036	-
RALPH C MAHAR	3,529,753	-
SHAWSHEEN VALLEY	3,605,586	-
SILVER LAKE	10,345,888	-
SOUTH MIDDLESEX	2,624,022	-
SOUTH SHORE	2,057,194	-
SOUTHEASTERN	8,424,633	-
SOUTHERN BERKSHIRE	2,042,925	-
SOUTHERN WORCESTER	4,816,520	-
SOUTHWICK TOLLAND	6,809,169	-
SPENCER EAST BROOKFIELD	10,791,859	39,198
TANTASQUA	6,019,652	-
TRI COUNTY	3,412,333	-
TRITON	8,611,895	-
UPISLAND	928,454	-



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Regional School	7061-0008	7061-0022
	Chapter 70	Reduce Class Size
UPPER CAPE COD	2,282,392	-
WACHUSETT	16,779,525	-
WHITMAN HANSON	19,344,962	-
WHITTIER	5,211,640	-
Regional Total	498,078,046	338,480

**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the number of full-time equivalent positions compensated from the AA subsidiary, so-called, of each of the items listed below shall not exceed the number of authorized positions specified below for each such item; provided, however, that for the purposes of this section, board and commission members and seasonal employees shall not be classified as full-time equivalent positions. Nothing in this section shall be construed so as to make any further appropriation of funds.

Line Item	Spending Authorized	FTE's
0320-0001	\$893,170	7
0320-0003	\$3,787,005	64
0320-0010	\$768,670	14.4
0320-0016	\$55,000	1
0321-0001	\$348,863	6
0321-0100	\$289,139	9.6
0321-1500	\$3,760,504	92
0321-1502	\$7,731,010	141.5
0321-1503	\$707,322	15
0321-1504	\$429,667	8.91
0321-2000	\$368,449	7.4
0322-0100	\$6,952,318	111.5
0330-0101	\$8,830,821	78
0330-0102	\$18,783,392	166
0330-0103	\$5,248,835	47
0330-0104	\$455,830	4
0330-0105	\$1,238,712	11
0330-0106	\$991,521	9
0330-0107	\$4,346,637	41

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Line Item	Spending Authorized	FTE's
0330-0300	\$6,944,638	131.67
0330-0317	\$258,226	4
0330-2000	\$2,093,701	53
0330-2205	\$12,281,851	405.47
0330-2207	\$1,638,676	62
0330-2410	\$326,899	7
0330-3200	\$44,259,480	1052.4
0330-3700	\$451,239	11
0331-0100	\$7,920,870	175
0331-2100	\$491,961	11
0331-2200	\$281,118	6
0331-2300	\$1,053,192	20.5
0331-2400	\$177,795	3
0331-2500	\$1,686,346	40
0331-2600	\$329,671	8
0331-2700	\$1,533,728	35.8
0331-2800	\$322,201	7
0331-2900	\$3,977,697	91
0331-3000	\$126,117	2
0331-3100	\$1,304,826	27
0331-3200	\$1,268,214	30
0331-3300	\$3,595,074	104
0331-3400	\$2,518,923	50
0331-3404	\$164,556	5
0331-3500	\$1,378,653	28
0332-0100	\$1,381,101	26
0332-1100	\$1,978,478	43
0332-1200	\$1,151,887	27
0332-1203	\$1,146,391	30
0332-1300	\$676,558	14
0332-1400	\$1,237,811	31
0332-1500	\$519,106	11
0332-1600	\$1,978,831	51
0332-1700	\$2,566,976	64
0332-1800	\$2,956,878	73
0332-1900	\$1,354,073	32
0332-2000	\$365,600	8
0332-2100	\$2,078,154	46
0332-2300	\$397,982	9

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Line Item	Spending Authorized	FTE's
0332-2400	\$1,902,238	42
0332-2500	\$873,064	21
0332-2600	\$3,348,371	85
0332-2700	\$2,991,568	73.5
0332-2800	\$1,492,987	32
0332-2900	\$1,172,304	26
0332-3000	\$1,258,713	30
0332-3100	\$649,236	16
0332-3200	\$1,139,137	32.4
0332-3300	\$1,287,156	34
0332-3400	\$783,392	17
0332-3500	\$4,128,385	107.7
0332-3600	\$815,098	20
0332-3700	\$1,693,980	41
0332-3800	\$610,138	13
0332-3900	\$3,409,265	92
0332-4000	\$2,608,139	63
0332-4100	\$986,720	23
0332-4200	\$1,147,463	26
0332-4300	\$819,713	18
0332-4400	\$2,123,388	49
0332-4500	\$1,460,061	34.8
0332-4600	\$3,321,256	76.7
0332-4700	\$2,189,154	53
0332-4800	\$1,175,772	27
0332-4900	\$2,125,803	48.03
0332-5000	\$1,270,506	29
0332-5100	\$282,631	7
0332-5200	\$2,055,036	48
0332-5300	\$4,700,186	114
0332-5400	\$1,483,516	36
0332-5500	\$1,588,988	42
0332-5600	\$834,140	17
0332-5700	\$3,147,359	78
0332-5800	\$1,862,935	46
0332-5900	\$1,990,797	44
0332-6000	\$1,900,264	42.5
0332-6100	\$1,282,219	29
0332-6200	\$786,304	15

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Line Item	Spending Authorized	FTE's
0332-6300	\$2,321,277	53
0332-6400	\$4,495,801	105.5
0332-6500	\$1,627,943	38
0332-6600	\$3,553,987	81
0332-6700	\$1,152,574	25
0332-6800	\$2,235,582	57
0332-6900	\$4,160,360	105
0332-7000	\$1,295,047	30
0332-7100	\$1,013,211	26
0332-7200	\$259,682	6
0332-7300	\$1,069,602	26
0332-7400	\$1,036,587	25
0332-7500	\$750,578	17
0332-7600	\$1,230,436	32
0332-7700	\$855,938	21
0332-7800	\$936,514	22
0332-7900	\$920,116	20
0333-0002	\$1,563,326	35
0333-0100	\$1,537,583	34
0333-0200	\$816,339	20
0333-0300	\$2,473,404	57
0333-0400	\$262,846	6
0333-0500	\$2,419,699	60.5
0333-0600	\$789,962	19
0333-0700	\$2,773,729	72
0333-0800	\$937,478	23
0333-0900	\$4,643,761	128
0333-0911	\$258,752	9
0333-1000	\$192,142	3
0333-1100	\$2,697,820	67
0333-1111	\$162,339	3
0333-1200	\$2,228,650	58
0333-1300	\$3,638,265	91
0333-1313	\$179,588	7
0333-1400	\$2,655,062	63
0334-0001	\$2,421,743	56
0335-0001	\$8,375,313	166
0336-0002	\$291,432	2
0336-0100	\$1,127,037	27



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Line Item	Spending Authorized	FTE's
0336-0200	\$575,787	14
0336-0300	\$662,082	16
0336-0400	\$1,041,611	27
0336-0500	\$685,770	17
0337-0002	\$1,080,864	25
0337-0003	\$14,489,553	353.88
0337-0100	\$4,108,350	89
0337-0200	\$2,587,960	61
0337-0300	\$1,652,064	64
0337-0400	\$1,430,746	31
0337-0500	\$2,042,630	45
0339-1001	\$12,118,321	328
0339-1002	\$9,613,113	212
0339-1003	\$3,728,151	87
0339-2100	\$1,295,892	32
0340-0100	\$11,408,592	288
0340-0200	\$8,690,257	220
0340-0300	\$6,202,721	140
0340-0400	\$6,490,062	137
0340-0500	\$5,550,940	137
0340-0600	\$2,671,314	77
0340-0700	\$5,423,391	122
0340-0800	\$5,153,806	115
0340-0900	\$5,027,961	119
0340-1000	\$2,466,311	52
0340-1100	\$2,007,187	42.8
0340-2100	\$345,576	6
0511-0000	\$6,285,835	167.25
0511-0200	\$478,717	14.6
0511-0230	\$144,022	5
0511-0250	\$380,401	10.6
0511-0260	\$205,715	6
0517-0000	\$370,729	10
0521-0000	\$583,023	14.6
0521-0001	\$535,731	17.85
0526-0100	\$942,415	23.4
0528-0100	\$34,350	1
0540-0900	\$646,585	18.68
0540-1000	\$1,719,388	48

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Line Item	Spending Authorized	FTE's
0540-1100	\$424,950	10.65
0540-1200	\$1,370,499	45.12
0540-1300	\$402,134	10
0540-1400	\$1,162,630	32.6
0540-1500	\$2,655,962	82
0540-1600	\$229,969	7
0540-1700	\$348,944	9
0540-1800	\$158,769	4.5
0540-1900	\$1,733,816	41.5
0540-2000	\$379,595	11
0540-2100	\$1,693,932	56
0610-0000	\$5,647,973	122.1
0630-0000	\$66,250	1
0640-0000	\$20,592,232	408.53
0640-0300	\$1,375,289	29.8
0710-0000	\$13,778,906	315
0710-0100	\$698,080	16.5
0810-0000	\$16,297,052	361
0810-0003	\$150,000	2.6
0810-0014	\$639,572	12.8
0810-0021	\$1,236,347	26
0810-0045	\$2,385,277	50.5
0810-0201	\$753,456	15
0810-0338	\$227,589	4
0810-0399	\$250,000	7
0840-0100	\$286,185	5.71
0840-0101	\$63,980	2
0900-0100	\$1,320,504	25
0910-0200	\$2,099,788	50.34
0920-0300	\$700,230	15.65
1000-0001	\$6,270,962	107.52
1100-1100	\$1,055,140	20
1100-1103	\$443,130	10
1100-1140	\$1,833,825	39.33
1101-2100	\$2,019,429	39.6
1102-3210	\$4,856,203	137
1102-3301	\$2,344,925	66
1107-2400	\$580,044	13
1107-2501	\$1,402,545	30

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Line Item	Spending Authorized	FTE's
1108-1011	\$538,838	10
1108-5100	\$2,170,229	49.87
1110-1000	\$619,564	11.6
1120-4005	\$811,633	21
1150-5100	\$1,881,050	34
1201-0100	\$83,025,386	1568.15
1201-0160	\$35,824,383	732.26
1201-0300	\$4,942,071	85.51
1232-0200	\$616,810	11
1310-1000	\$1,417,372	25.8
1410-0010	\$1,657,635	36
1410-0630	\$289,658	9
1750-0100	\$4,453,495	102
1750-0111	\$299,837	6
1750-0115	\$186,310	5
1750-0120	\$930,000	19
1750-0200	\$458,376	8
1775-0100	\$2,953,577	56.1
1790-0100	\$7,685,599	138
1790-0107	\$1,801,906	27.8
1790-0600	\$590,434	10.8
2000-0100	\$2,374,151	42
2000-9900	\$357,233	7
2010-0100	\$185,000	4
2020-0100	\$1,395,045	25.8
2060-0100	\$135,944	2
2100-0005	\$818,669	16
2100-1000	\$1,540,056	32.29
2100-2030	\$17,912,238	494.61
2200-0100	\$24,360,445	407.24
2210-0100	\$916,412	15.87
2220-2220	\$500,713	10
2220-2221	\$2,066,113	40.3
2250-2000	\$1,544,328	29
2250-2001	\$2,335,509	40.91
2260-8870	\$14,328,457	255.66
2260-8881	\$261,001	5
2300-0100	\$635,154	10
2300-0101	\$299,001	5.8

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Line Item	Spending Authorized	FTE's
2300-0104	\$29,721	1
2310-0200	\$5,234,248	124.76
2310-0500	\$210,250	4
2315-0100	\$222,297	4
2320-0100	\$254,411	5.6
2330-0100	\$3,285,577	77
2330-0120	\$415,710	9
2350-0100	\$8,044,684	152.94
2350-0101	\$171,206	4
2410-1000	\$745,823	20
2420-1400	\$7,704,372	168.3
2440-0010	\$18,653,290	334.36
2460-1000	\$2,572,527	54.2
2511-0100	\$3,214,031	67.69
2511-4010	\$46,284	1
2520-0100	\$58,153	1
2520-0300	\$853,134	23
2520-0900	\$96,054	2
2520-1000	\$539,791	14
2520-1100	\$47,448	1
2520-1200	\$425,324	11.5
2520-1300	\$317,866	10.5
2520-1400	\$483,828	14
2520-1500	\$287,956	6
4000-0100	\$2,065,234	33.8
4000-0300	\$28,268,201	824.29
4100-0060	\$6,367,202	125.29
4110-0001	\$641,385	10.5
4110-1000	\$1,872,864	47
4110-1020	\$394,774	9.85
4110-2000	\$358,126	8
4110-4000	\$731,361	42.34
4120-1000	\$223,484	3
4120-3000	\$351,408	8
4120-4000	\$594,089	13
4120-5000	\$675,866	16
4120-6000	\$654,832	14
4125-0100	\$2,846,157	67.8
4130-0001	\$2,199,248	47.83



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Line Item	Spending Authorized	FTE's
4130-0002	\$455,756	10.8
4130-0005	\$5,931,193	138.37
4180-0100	\$15,228,779	417
4190-0100	\$12,510,818	370.58
4200-0010	\$3,348,613	65.89
4200-0100	\$8,675,918	217.2
4200-0200	\$5,008,782	228
4200-0300	\$14,034,583	416
4400-1000	\$40,883,327	865.07
4400-1025	\$551,281	15
4400-1100	\$58,693,477	1497.79
4510-0100	\$8,115,072	156.71
4510-0110	\$82,879	2
4510-0150	\$37,979	1
4510-0600	\$2,958,438	65.67
4510-0710	\$6,992,013	122.39
4510-0750	\$140,097	3
4510-0790	\$145,000	4
4510-0810	\$92,073	2
4512-0103	\$1,404,907	28
4512-0200	\$350,183	9
4512-0500	\$108,526	2
4513-1000	\$1,623,078	34.53
4513-1002	\$169,645	4
4513-1005	\$712,615	22
4513-1020	\$173,521	3.8
4513-1111	\$43,307	1
4513-1112	\$40,689	1
4516-1000	\$5,343,554	119.6
4516-1001	\$1,146,109	29.5
4518-0100	\$1,197,004	39.18
4530-9000	\$43,351	1
4570-1500	\$318,742	8.5
4580-1000	\$1,119,287	12.61
4590-0300	\$469,708	9
4590-0450	\$45,621	1
4590-0451	\$45,621	1
4590-0908	\$411,565	7
4590-0909	\$28,075,460	757

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Line Item	Spending Authorized	FTE's
4590-0910	\$9,631,907	244.18
4590-0911	\$26,352,708	596.24
4800-0015	\$36,204,460	754.26
4800-0025	\$2,206,920	49
4800-0050	\$602,674	18
4800-1100	\$97,753,626	2452.45
4800-1500	\$592,499	14
4800-1997	\$1,037,478	25.5
5011-0100	\$30,679,665	680
5042-5000	\$4,832,191	110.13
5046-0000	\$48,043,302	1205.25
5055-0000	\$2,626,081	42.47
5095-0015	\$110,501,036	2846.48
5911-1000	\$4,551,952	83.3
5911-2000	\$218,993	4.6
5920-1000	\$42,592,857	947.44
5920-2010	\$84,525,825	2604
5930-1000	\$125,364,310	3674.2
6000-0100	\$191,473	3
6006-0003	\$351,766	7
6010-0002	\$40,475,698	856.85
6010-1000	\$14,231,133	406
7000-9101	\$933,767	20
7002-0100	\$443,503	9.8
7002-0101	\$368,419	7
7002-0200	\$1,063,624	22
7002-0400	\$915,141	17.65
7002-0500	\$13,211,702	301.44
7002-0600	\$1,054,277	17.3
7002-0700	\$375,191	7
7002-0800	\$633,545	10.6
7003-0701	\$624,542	8.3
7003-0810	\$481,882	6
7004-0001	\$72,441	2
7004-0099	\$5,338,576	118.1
7004-2025	\$42,147	1
7006-0000	\$1,488,594	28
7006-0010	\$8,254,644	176.53
7006-0020	\$6,432,953	140

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Line Item	Spending Authorized	FTE's
7006-0040	\$5,444,491	130.93
7006-0050	\$471,733	7.8
7006-0060	\$682,855	18
7006-0070	\$4,440,339	95.6
7006-0080	\$657,932	14
7006-0100	\$1,225,191	24.8
7006-0110	\$1,917,002	43.5
7006-0130	\$2,098,055	43.1
7006-0135	\$180,326	3
7006-1000	\$602,188	11
7006-1001	\$192,753	4
7007-0100	\$402,903	7.52
7007-0300	\$2,092,699	40.96
7007-0900	\$1,376,182	30.6
7007-0970	\$275,019	6
7007-1500	\$537,770	11
7010-0005	\$7,501,099	148.98
7028-0031	\$2,642,952	52.77
7030-1000	\$332,274	7
7032-0500	\$47,171	1
7035-0002	\$137,276	3
7061-0013	\$400,000	6
7061-0019	\$1,150,870	40.6
7061-9400	\$669,995	15
7061-9404	\$179,552	5
7061-9611	\$100,000	3
7066-0000	\$1,866,057	25
7070-0065	\$649,824	14
7100-0300	\$690,932	15.85
7504-0101	\$45,624	2
7506-0101	\$62,177	2
7515-0120	\$611,571	16.43
8000-0000	\$1,543,960	28
8000-0020	\$161,774	3
8000-0030	\$58,313	1
8000-0105	\$2,417,212	50
8000-0110	\$2,367,236	56.61
8000-0125	\$1,959,437	42
8000-0160	\$493,131	10.4

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Line Item	Spending Authorized	FTE's
8000-0500	\$192,417	4
8100-0000	\$150,272,109	2506.33
8100-0017	\$87,500	2
8200-0200	\$1,480,022	34.27
8311-1000	\$669,760	17.76
8311-1004	\$144,682	2
8315-1000	\$583,843	16
8315-1002	\$2,997,916	64
8324-0000	\$1,120,027	24
8324-1000	\$697,213	16
8324-1007	\$179,686	4
8324-1101	\$150,268	3
8324-1500	\$584,591	14
8400-0001	\$26,636,565	807.69
8400-0100	\$2,002,378	62.5
8600-0001	\$258,345	14.8
8700-0001	\$3,137,136	92
8800-0001	\$604,175	30
8800-0100	\$381,221	7
8800-0200	\$258,591	5
8850-0001	\$165,540	1
8850-0015	\$57,013	1
8900-0001	\$259,341,418	5277.5
8900-0002	\$3,609,256	64.03
8900-0004	\$597,613	11
8900-0007	\$55,215	1
8900-0009	\$4,035,417	78.8
8900-0010	\$698,078	61
8910-0102	\$35,383,309	783
8910-0105	\$23,089,902	572.8
8910-0107	\$29,543,983	615.5
8910-0108	\$3,813,174	95.8
8910-0110	\$7,310,106	163.3
8910-0145	\$6,166,293	160
8910-0619	\$24,678,194	532
8950-0001	\$11,189,196	242.7
8950-0002	\$151,748	6
9110-0100	\$1,914,773	36.3
9110-0102	\$299,611	7



**SECTION 5.** Notwithstanding the provisions of clause Forty-first of section 7 of chapter 4 of the General Laws or any other general or, special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to the provisions of section 25A of chapter 58 of the General Laws shall use the 1998 city and town population estimates of the United States Bureau of the Census in calculating distributions or assessments under said local reimbursement or assistance programs. Such distribution programs shall include, but not be limited to, the chapter 70 school aid program, so called, and aid to regional public libraries. Such assessments shall include, but not be limited to, air pollution control districts, the metropolitan area planning council, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority and any other entity for which said commissioner is required to give notice pursuant to said section 25A.

**SECTION 6.** The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

**SECTION 7.** The commissioner of capital asset management and maintenance shall develop a project accounting system for all pool accounts including, but not limited to, asbestos, handicapped access, demolition, fire protection improvement, environmental hazards, air pollution, energy, preventive maintenance, wastewater treatment and toxic waste cleanup. The project accounting system shall be utilized to assess charges for all project-related costs including, but not limited to, administrative overhead. The commissioner may, in accordance with schedules approved by the secretary of administration and finance, employ or reassign employees of the division to such projects as may be required, but the salaries and administrative expenses shall be charged to the accounts funding such project. Such charges shall not exceed 2 per cent of the following appropriation accounts: 1102-7881, 1102-7882, 1102-7885, 1102-7886, 1102-7887, 1102-7890, 1102-7893, 1102-7894, 1102-7896, 1102-7897, 1102-8819, 1102-8847, 1102-8869, 1102-8880, 1102-8890, 1102-8891, 1102-8897, 1102-8899, and 1102-9802.

**SECTION 8.** Notwithstanding the provisions of section 31 of chapter 81 of the General Laws or any other general or special law to the contrary, the portion of the Highway Fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads, as appropriated in item 6005-0017 of section 2, shall be distributed in fiscal year 2001 in the same proportion as the fiscal year 2000 distribution of said Highway Fund reimbursements.

**SECTION 9.** All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure

equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment. The secretary of administration and finance shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with this section. Whenever noncompliance is determined by the secretary, said secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination. Said secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or noncompliance with affirmative action policies to the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2000.

**SECTION 10.** Chapter 3 of the General Laws is hereby amended by striking out section 9B, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 9B. Each member of the general court shall receive \$7,200 annually for expenses to be paid as follows: each member shall be entitled to receive \$600 on the first day of each session and the first day of each month thereafter until said sum of \$7,200 shall have been paid, and on the last day of the session there shall be paid to each member of the general court the balance, if any, of said sum of \$7,200.

A member of the general court who lives in the city or town of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose, Milton, Nahant, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Winchester, Winthrop or Woburn shall receive a per diem allowance for mileage, meals and lodging of \$10 per day; a member of the general court who lives in the city or town of Abington, Andover, Avon, Bedford, Beverly, Billerica, Boxford, Braintree, Brockton, Burlington, Canton, Carlisle, Cohasset, Concord, Danvers, Dover, Easton, Framingham, Hamilton, Hanover, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynnfield, Manchester by-the Sea, Marblehead, Medfield, Middleton, Millis, Natick, Needham, North Andover, North Reading, Norwell, Norwood, Peabody, Randolph, Reading, Rockland, Salem, Scituate, Sharon, Sherborn, Stoughton, Sudbury, Swampscott, Tewksbury, Topsfield, Walpole, Wayland, Wellesley, Wenham, Weston, Westwood, Weymouth, Whitman or Wilmington shall receive a per diem allowance for mileage, meals and lodging of \$18 per day; a member of the general court who lives in the city or town of Acton, Ashland, Ayer, Bellingham, Blackstone, Bolton, Boxborough, Bridgewater, Carver,

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Chelmsford, Dracut, Dunstable, Duxbury, East Bridgewater, Essex, Foxborough, Franklin, Georgetown, Gloucester, Groton, Groveland, Halifax, Hanson, Harvard, Haverhill, Holliston, Hopedale, Hopkinton, Hudson, Ipswich, Kingston, Lakeville, Lawrence, Littleton, Lowell, Mansfield, Marlborough, Marshfield, Maynard, Medway, Mendon, Methuen, Middleborough, Milford, Millville, Newbury, Newburyport, Norfolk, Northborough, Norton, Pembroke, Plainville, Plympton, Raynham, Rockport, Rowley, Shirley, Southborough, Stow, Tyngsborough, Upton, Westborough, West Bridgewater, Westford, West Newbury or Wrentham shall receive a per diem allowance for mileage, meals and lodging of \$26 per day; a member of the general court who lives in the city or town of Acushnet, Amesbury, Ashby, Attleboro, Auburn, Berkley, Berlin, Boylston, Clinton, Dighton, Douglas, Fall River, Fitchburg, Freetown, Grafton, Holden, Lancaster, Leicester, Leominster, Lunenburg, Marion, Mattapoisett, Merrimac, Millbury, Northbridge, North Attleborough, Oxford, Paxton, Pepperell, Plymouth, Princeton, Rehoboth, Rochester, Rutland, Salisbury, Seekonk, Shrewsbury, Somerset, Sterling, Sutton, Swansea, Taunton, Townsend, Uxbridge, Wareham, Webster, West Boylston, Westminster or Worcester shall receive a per diem allowance for mileage, meals and lodging of \$36 per day; a member of the general court who lives in the city or town of Ashburnham, Barre, Bourne, Brookfield, Charlton, Dartmouth, Dudley, East Brookfield, Fairhaven, Gardner, Hubbardston, New Bedford, New Braintree, North Brookfield, Oakham, Sandwich, Southbridge, Spencer, Sturbridge, Templeton, Warren, West Brookfield, Westport or Winchendon shall receive a per diem allowance for mileage, meals and lodging of \$45 per day; a member of the general court who lives in the city or town of Athol, Barnstable, Belchertown, Brimfield, Dennis, Falmouth, Hardwick, Holland, Mashpee, Monson, New Salem, Orange, Palmer, Petersham, Phillipston, Royalston, Wales, Ware or Yarmouth shall receive a per diem allowance for mileage, meals and lodging of \$50 per day; a member of the general court who lives in the city or town of Amherst, Brewster, Chatham, Chicopee, Eastham, East Longmeadow, Erving, Gill, Granby, Hadley, Hampden, Harwich, Leverett, Longmeadow, Ludlow, Montague, Northfield, Orleans, Pelham, Shutesbury, South Hadley, Springfield, Sunderland, Warwick, Wendell or Wilbraham shall receive a per diem allowance for mileage, meals and lodging of \$60 per day; a member of the general court who lives in the city or town of Agawam, Bernardston, Conway, Deerfield, Easthampton, Greenfield, Hatfield, Holyoke, Leyden, Montgomery, Northampton, Shelburne, Southampton, Southwick, Truro, Wellfleet, Westfield, Westhampton, West Springfield, Whately or Williamsburg shall receive a per diem allowance for mileage, meals and lodging of \$66 per day; a member of the general court who lives in the city or town of Ashfield, Blandford, Buckland, Charlemont, Chester, Chesterfield, Colrain, Cummington, Goshen, Granville, Hawley, Heath, Huntington, Plainfield, Provincetown, Russell, Tolland or Worthington shall receive a per diem allowance for mileage, meals and lodging of \$74 per day; a member of the general court who lives in the city or town of Becket, Dalton, Florida, Hinsdale, Lee, Middlefield, Monroe, Monterey, Otis, Peru, Rowe, Sandisfield, Savoy, Tyngsborough, Washington or Windsor shall receive a per diem allowance for mileage, meals and lodging of \$82 per day; a member of the general court who lives in the city or town of



Adams, Alford, Aquinnah, Cheshire, Chilmark, Clarksburg, Edgartown, Egremont, Gosnold, Great Barrington, Hancock, Lanesborough, Lenox, Mount Washington, New Ashford, New Marlborough, North Adams, Oak Bluffs, Pittsfield, Richmond, Sheffield, Stockbridge, Tisbury, West Stockbridge, West Tisbury or Williamstown shall receive a per diem allowance for mileage, meals and lodging of \$90 per day; a member of the general court who lives in the town of Nantucket shall receive a per diem allowance for mileage, meals and lodging of \$100 per day.

Whenever the general court is not in session, but not having prorogued, each member shall also receive such per diem allowance for each day for travel from his place of residence to the state house and return therefrom, while in the performance of his official duties, upon certification to the state treasurer that he was present at the state house.

Each member of the general court shall also be paid such per diem allowance after prorogation of the general court for each day for travel from his place of residence to the state house and return therefrom while in the performance of his official duties upon certification to the state treasurer that he was present at the state house.

**SECTION 11.** Section 3 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "fifteen thousand six hundred dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 12.** The second paragraph of section 4I of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following four sentences:- The secretary of administration and finance shall make an annual report to the governor, the house and senate committees on ways and means and the joint committees on commerce and labor and public service on the operation of the commission. The report shall include an analysis of the rulings of each commissioner and the overall operation of the commission. Said secretary shall include in the report any recommendations for reforming the commission and ensuring the impartiality of hearings before said commission and compliance with applicable statutory standards. The secretary shall also establish regulations for receiving and reviewing complaints from appointing authorities or other parties appearing before the commission about conduct of any commissioner.

**SECTION 13.** Section 38E of said chapter 7, as so appearing, is hereby amended by adding the following subsection:-

(g) The division of capital asset management and maintenance in consultation with the board shall develop a standard designer evaluation form that shall be completed by every public agency, as defined in section 44A of chapter 149, upon completion of the work under a design contract under its control, and submitted to the division and the board for the designer's qualification file. The official from the public agency or the owner's representative as described in section 44A of said chapter 149 shall certify that the information contained on the designer evaluation form represents, to the best of his knowledge, a true and accurate analysis of the designer's performance record on the contract. The public agency shall mail a copy of the designer evaluation form to the designer who may, within 30 days, submit a written response to the division and board disputing any information contained in



the form and setting forth any additional information concerning the building project or the oversight of the building construction contract by the public agency as may be relevant to the evaluation of the designer's performance on the contract. The division and board shall attach any such response to the evaluation form for inclusion in the designer's qualification file. No public employee or public employer, as defined in section 1 of chapter 258, and no person shall be liable for an injury or loss to a designer as a result of the completion of a designer evaluation form as required by this section unless the individual completing such evaluation form has been found by a superior court of competent jurisdiction to have acted in a willful, wanton or reckless manner. If a suit is commenced by a designer against any person who has completed a designer evaluation form as required by this section seeking to recover damages resulting from injury caused by such evaluation, the public agency for whom such evaluation form was completed or the commonwealth, if such evaluation was completed for a state agency, shall provide for the legal representation of such person. Such public agency or the commonwealth, where an evaluation was completed for a state agency, shall also indemnify such person from all personal financial losses and expenses including, but not limited to, legal fees and filing costs, if any, in an amount not to exceed \$1,000,000, but no such person shall be indemnified for losses other than legal fees and filing costs under this section if such person is found by a court or a jury to have acted in a willful, wanton or reckless manner.

The awarding authority shall provide the designer with a written preliminary evaluation at the completion of the schematic phase of the project for informational purposes.

Any public agency that fails to complete and submit the designer evaluation form, together with any written response by any designer, to the division within 70 days of the completion of a project shall be ineligible for the receipt of any public funds disbursed by the commonwealth for the purposes of public building or public works projects.

**SECTION 14.** Section 38H of said chapter 7, as so appearing, is hereby amended by striking out subparagraph (d).

**SECTION 15.** Section 40B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "two hundred thousand dollars" and inserting in place thereof the following figure:- \$500,000.

**SECTION 16.** Section 40G of said chapter 7, as so appearing, is hereby amended by striking out the third paragraph.

**SECTION 17.** Section 49 of said chapter 7, as so appearing, is hereby amended by striking out subsection (a) and inserting, in place thereof, the following subsection:-

(a) There shall be within the executive office of administration and finance, but not subject to its control, a public employee retirement administration commission consisting of nine members, three of whom shall be appointed by the governor, three of whom shall be appointed by the state auditor, two of whom shall be appointed by the state treasurer, and one of whom shall be chosen by the first eight members and who shall be chairperson. Of the three persons appointed by the governor, one shall be the governor or his designee, one shall be a representative of a public safety union and one shall be qualified by having training and

experience in the investment of funds as a result of having been principally employed in such occupation for a period of at least ten years. Of the three persons appointed by the state auditor, one shall be the state auditor or his designee, one shall be the president of Massachusetts AFL-CIO or his designee and one shall be a representative of the Massachusetts Municipal Association. Of the two persons appointed by the state treasurer, one shall be the state treasurer or his designee and one shall be the president of the Massachusetts Association of Contributory Retirement Systems, whose term shall be coterminous with his term as the president of the Association. Each member of the commission shall serve for a term of five years, except that in making initial appointments, the governor and the state auditor shall each appoint one member for a term of three years and one member for a term of four years. The members shall serve without compensation but shall receive necessary expenses incurred in the discharge of their official duties. Upon the expiration of the term of an appointed member, or of the chairman, or in the event of a vacancy otherwise created in such positions, the successor for such position shall be appointed in the manner aforesaid, or for the remainder of said term, whichever is applicable. In the event the representative of a public safety union, the president of the Massachusetts Association of Contributory Retirement Systems or the designee of the president of the Massachusetts AFL-CIO is a public employee, he shall be granted leave, without loss of pay or benefits and without being required to make up lost time, if on duty, for regularly scheduled work hours while in the performance of responsibilities of the commission. The public employee retirement administration commission shall select an executive director, and enter into an employment contract with such director. The provisions of sections 9A, 45, 46, and 46C of chapter 30 and the provisions of chapter 31 and chapter 150E shall not apply to the executive director or any other employee of the commission.

**SECTION 18.** Chapter 12 of the General Laws is hereby amended by inserting after section 5 the following 15 sections:-

Section 5A. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Claim", any request or demand, whether pursuant to a contract or otherwise, for money or property which is made to an officer, employee, agent or other representative of the commonwealth, political subdivision thereof or to a contractor, subcontractor, grantee, or other person if the commonwealth or any political subdivision thereof provides any portion of the money or property which is requested or demanded, or if the commonwealth or any political subdivision thereof will reimburse directly or indirectly such contractor, subcontractor, grantee, or other person for any portion of the money or property which is requested or demanded.

"False claims law", pursuant to sections 5B to 5O, inclusive.

"False claims action", an action filed by the office of the attorney general or a relator pursuant to this section.

"Knowing and knowingly", possessing actual knowledge of relevant information, acting with deliberate ignorance of the truth or falsity of the information or acting in reckless

disregard of the truth or falsity of the information and no proof of specific intent to defraud is required.

"Original source", an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the attorney general, without public disclosure, before filing an action under this section which is based on such information.

"Person", any natural person, corporation, partnership, association, trust or other business or legal entity.

"Political subdivision", any city, town, county or other governmental entity authorized or created by state law, including public corporations and authorities.

"Relator", an individual who brings an action under paragraph (2) of section 5C.

Section 5B. Any person who:

(1) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement to obtain payment or approval of a claim by the commonwealth or any political subdivision thereof;

(3) conspires to defraud the commonwealth or any political subdivision thereof through the allowance or payment of a fraudulent claim;

(4) has possession, custody, or control of property or money used, or to be used, by the commonwealth or any political subdivision thereof and knowingly delivers, or causes to be delivered to the commonwealth, less property than the amount for which the person receives a certificate or receipt with the intent to willfully conceal the property;

(5) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the commonwealth or any political subdivision thereof and with the intent of defrauding the commonwealth or any political subdivision thereof, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the commonwealth or any political subdivision thereof, knowing that said officer or employee may not lawfully sell or pledge the property;

(7) enters into an agreement, contract or understanding with one or more officials of the commonwealth or any political subdivision thereof knowing the information contained therein is false;

(8) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or to transmit money or property to the commonwealth or political subdivision thereof; or

(9) is a beneficiary of an inadvertent submission of a false claim to the commonwealth or political subdivision thereof, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the commonwealth or political subdivision within a reasonable time after discovery of the false claim shall be liable to the commonwealth or political subdivision for a civil penalty of not less than \$5,000 and not more than \$10,000



per violation, plus three times the amount of damages, including consequential damages, that the commonwealth or political subdivision sustains because of the act of that person. A person violating sections 5B to 5O, inclusive, shall also be liable to the commonwealth or any political subdivision for the expenses of the civil action brought to recover any such penalty or damages, including without limitation reasonable attorney's fees, reasonable expert's fees and the costs of investigation, as set forth below. Costs recoverable under said sections 5B to 5O, inclusive, shall also include the costs of any review or investigation undertaken by the attorney general, or by the state auditor or the inspector general in cooperation with the attorney general.

(10) Notwithstanding the provisions of paragraphs (1) to (9), inclusive, if the court finds that:

(i) the person committing the violation of said paragraphs (1) to (9) furnished an official of the office of the attorney general responsible for investigating false claims law violations with all the information known to such person about the violation within 30 days after the date on which the person first obtained the information;

(ii) such person fully cooperated with any commonwealth investigation of such violation; and

(iii) at the time such person furnished the commonwealth with the information about the violation, no civil action or administrative action had commenced under sections 5B to 5O, inclusive, or no criminal prosecution had commenced with respect to such violation, and such person did not have actual knowledge of the existence of an investigation into such violation, the court may reduce the assessment of damages to the amount of damages, including consequential damages, that the commonwealth or any political subdivision thereof sustains because of the act of a person.

(11) A corporation, partnership or other person is liable to the commonwealth under sections 5B to 5O, inclusive, for the acts of its agent where the agent acted with apparent authority, regardless of whether the agent acted, in whole or in part, to benefit the principal and regardless of whether the principal adopted or ratified the agent's claims, representation, statement or other action or conduct.

(12) Sections 5B to 5O, inclusive shall not apply to claims, records or statements made or presented to establish, limit, reduce, or evade liability for the payment of tax to the commonwealth, or any other governmental authority.

(13) A person who has engaged in conduct described in paragraphs (1) to (9), inclusive, prior to payment shall only be entitled to payment from the commonwealth of the actual amount due less the excess amount falsely or fraudulently claimed.

Section 5C. (1) The attorney general shall investigate violations under sections 5B to 5O, inclusive, involving state funds or funds from any political subdivision. If the attorney general finds that a person has violated or is violating said sections 5B to 5O, inclusive, the attorney general may bring a civil action in superior court against the person.

(2) An individual, hereafter referred to as relator, may bring a civil action in superior



court for a violation of said sections 5B to 5O, inclusive, on behalf of the relator and the commonwealth or any political subdivision thereof. The action shall be brought in the name of the commonwealth or the political subdivision thereof. The action may be dismissed only if the attorney general gives written reasons for consenting to the dismissal and the court approves the dismissal. Notwithstanding any general or special law to the contrary, it shall not be a cause for dismissal or a basis for a defense that the relator could have brought another action based on the same or similar facts under any other law or administrative proceeding.

(3) When a relator brings an action pursuant to said sections 5B to 5O, inclusive, a copy of the complaint and written disclosure of substantially all material evidence and information the relator possesses shall be served on the attorney general pursuant to Rule 4(d)(3) of the Massachusetts Rules of Civil Procedure. The complaint shall be filed under seal and shall remain so for 120 days. Notwithstanding any other general or special law or procedural rule to the contrary, service on the defendant shall not be required until the period provided in paragraph (5). The attorney general may, for good cause shown, ask the court for extensions of no more than 90 days during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions under seal. The court shall not grant more than two requests for extensions unless the attorney general can demonstrate extraordinary circumstances requiring a further extension. The attorney general may elect to intervene and proceed with the action on behalf of the commonwealth or political subdivision within the 120 day period or during any extension, after he receives both the complaint and the material evidence and information. Any information or documents furnished by the relator to the attorney general in connection with an action or investigation under said sections 5B to 5O, inclusive, shall be exempt from disclosure under section 10 of chapter 66.

(4) Before the expiration of the initial 120 day period or any 90 day extensions obtained under paragraph (3), the attorney general shall; (i) assume control of the action, in which case the action shall be conducted by the attorney general; or (ii) notify the court that he declines to take over the action, in which case the relator shall have the right to conduct the action.

(5) If the attorney general decides to proceed with the action, the complaint shall be unsealed and served promptly thereafter. The defendant shall not be required to respond to any complaint filed under said sections 5B to 5O, inclusive, until 20 days after the complaint is unsealed and served upon the defendant pursuant to rule 4 of the Massachusetts rules of civil procedure.

(6) When a relator brings an action pursuant to this section, no person other than the attorney general may intervene or bring a related action based on the facts underlying the pending action.

Section 5D. (1) If the attorney general proceeds with the action, he shall have primary responsibility for prosecuting the action, and shall not be bound by any act of the re-

lator. The relator shall have the right to continue as a party to the action, subject to the limitations in sections 5B to 5O, inclusive.

(2) The attorney general may dismiss the action notwithstanding the objections of the relator if the relator has been notified by the attorney general of the filing of the motion and the court has provided the relator with an opportunity for a hearing on the motion. Upon a showing of good cause, such hearing may be held in camera.

(3) The attorney general may settle the action with the defendant notwithstanding the objections of the relator if the court determines, after a hearing, that the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(4) Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the relator initiating the action would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant or for purposes of harassment, the court may, in its discretion, impose limitations on the relator's participation, including but not limited to: (i) limiting the number of witnesses the relator may call; (ii) limiting the length of the testimony of such witnesses; (iii) limiting the relator's cross examination of witnesses; or (iv) otherwise limiting the participation by the relator in the litigation.

(5) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the relator would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the relator in the litigation.

(6) If the attorney general elects not to proceed with the action, the relator who initiated the action shall have the right to conduct the action. If the attorney general so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the attorney general's expense. When a relator proceeds with the action, the court, without limiting the status and rights of the relator initiating the action, may nevertheless permit the attorney general to intervene at a later date upon a showing of good cause.

(7) Whether or not the attorney general proceeds with the action, upon a showing by the attorney general that certain acts of discovery by the relator initiating the action would interfere with the attorney general's investigation or prosecution of a criminal or civil matter arising out of the same or similar facts, the court may stay such discovery for a period of not more than 60 days. Such showing by the attorney general shall be conducted in camera. The court may extend the 60 day period upon a further showing in camera that the attorney general has pursued the criminal or civil investigation or proceedings with reasonable diligence and may stay any proposed discovery in the civil action that will interfere with the ongoing criminal or civil investigations or proceedings.

Section 5E. Notwithstanding the provisions of section 5C, the attorney general may elect to pursue its claim through any alternate remedy available to the attorney general, including any administrative proceeding, to determine a civil penalty. If any such alternate

remedy is pursued in another proceeding, a relator shall have the same rights in such proceeding as said relator would have had if the action had continued under said section 5C. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under sections 5B to 5O, inclusive. For purposes of this section, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the commonwealth, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

Section 5F. (1) If the attorney general proceeds with an action brought by a relator pursuant to section 5C, the relator shall receive at least 15 per cent but not more than 25 per cent of the proceeds recovered and collected in the action or in settlement of the claim depending upon the extent to which the relator substantially contributed to the prosecution of the action.

(2) Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the relator, relating to allegations or transactions in a criminal, civil, or administrative hearing; in a legislative, administrative, auditor or inspector general hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 per cent of the proceeds, taking into account the significance of the information and the role of the relator bringing the action in advancing the case to litigation.

(3) Any payment to a relator pursuant to this section shall be made only from the proceeds recovered and collected in the action or in settlement of the claim. Any such relator shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, including reasonable attorney's fees and costs. All such expenses, shall be awarded against the defendant.

(4) If the attorney general does not proceed with an action pursuant to section 5C, the relator bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages on behalf of the commonwealth or any political subdivision thereof. The amount shall be not less than 25 per cent nor more than 30 per cent of the proceeds recovered and collected in the action or settlement of the claim, and shall be paid out of such proceeds. The relator shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, including reasonable attorney's fees and costs. All such expenses shall be awarded against the defendant.

(5) Whether or not the attorney general proceeds with the action, if the court finds that the action was brought by a relator who planned, initiated or knowingly participated in the violation of sections 5B to 5O, inclusive, then the court may, to the extent the court considers appropriate, reduce or eliminate the share of the proceeds of the action which the relator would otherwise receive pursuant to paragraphs (1) to (4), inclusive, taking into account the role of the relator in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the relator bringing the action is convicted of



criminal conduct arising from his role in the violation of this section, the relator shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the attorney general to continue the action.

Section 5G. (1) No court shall have jurisdiction over an action brought pursuant to section 5C against the governor, lieutenant governor, the attorney general, the treasurer, secretary of state, the auditor, a member of the general court, the inspector general or a member of the judiciary, if the action is based on evidence or information known to the commonwealth when the action was brought.

(2) An individual may not bring an action pursuant to paragraph (2) of said section 5C that is based upon allegations or transactions which are the subject of a civil suit or an administrative proceeding in which the commonwealth or any political subdivision thereof is already a party.

(3) No court shall have jurisdiction over an action pursuant to sections 5B to 5O, inclusive, based upon the public disclosure of allegations or transactions in a criminal, civil or administrative hearing; in a legislative, administrative, auditor's or inspector general's report, hearing, audit or investigation; or from the news media, unless the action is brought by the attorney general, or the relator is an original source of the information. No court shall have jurisdiction over an action pursuant to said sections 5B to 5O, inclusive, brought by a person who knew or had reason to know that the attorney general, the state auditor or the inspector general already had knowledge of the situation.

(4) An individual who is or was employed by the commonwealth or any political subdivision thereof as an auditor, investigator, attorney, financial officer, or contracting officer who otherwise performed such functions for the commonwealth or who discovered or learned of the allegations or the underlying facts from such persons, may not bring an action pursuant paragraph (2) of section 5C that is based upon allegations or transactions that the relator discovered or learned of in such capacity. For the purposes of this paragraph, the term "in such capacity" shall refer to any matter within the scope of such person's duties or job description.

Section 5H. (1) All money recovered by the commonwealth, as a result of actions brought by the attorney general or a person pursuant to sections 5B to 5O, inclusive, other than costs and attorney's fees awarded pursuant to paragraph (2), shall be credited by the state treasurer to the False Claims Prosecution Fund, established by section 2YY of chapter 29.

(2) Costs and attorney's fees awarded to a relator by final judicial order in an action under this section shall be paid directly by the defendant to the relator.

Section 5I. (1) If the attorney general initiates an action or assumes control of an action brought by a person pursuant to sections 5B to 5O, inclusive, the attorney general shall be awarded his reasonable attorney's fees and expenses incurred in the litigation, including costs, if he prevails in the action. Any such award shall be deposited in the False Claims Prosecution Fund established by said section 2YY of said chapter 29.



(2) If the attorney general does not proceed with an action pursuant to sections 5B to 5O, inclusive, and the defendant is the prevailing party, the court may award the defendant reasonable attorneys' fees and costs against the relator upon a written finding that such action was pursued in bad faith or was wholly insubstantial, frivolous, and advanced for the purpose of causing the defendant undue burden, unnecessary expense or harassment.

(3) No liability shall be incurred by the commonwealth, the affected agency or the attorney general for any expenses, attorney's fees or other costs incurred by any person in bringing or defending an action under said sections 5B to 5O, inclusive.

Section 5J. (1) No employer shall make, adopt or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency or from acting to further a false claims action, including investigating, initiating, testifying, or assisting in an action filed or to be filed pursuant to said sections 5B to 5O, inclusive. No employer shall require as a condition of employment, during the term of employment, or at the termination of employment, that any employee agree to, accept or sign any agreement that limits or denies the employee's rights to bring an action or provide information to a government or law enforcement agency pursuant to said sections 5B to 5O, inclusive. Any such agreement shall be void.

(2) No employer shall discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee in the terms or conditions of employment because of lawful acts done by the employee on behalf of the employee or others in disclosing information to a government or law enforcement agency or in furthering a false claims action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed pursuant to sections 5B to 5O, inclusive.

(3) Notwithstanding any general or special law to the contrary, an employer who violates paragraph (2) shall be liable for such damages or equitable relief as a court shall deem appropriate, including: reinstatement with the same seniority status such employee would have had but for the employer's violation of sections 5B to 5O, inclusive, two times the amount of back pay, interest on the back pay, and compensation for any special damage sustained as a result of the employer's violation of said sections 5B to 5O, inclusive. In addition, the defendant shall be required to pay litigation costs and reasonable attorney's fees. An employee may bring an action in the appropriate superior court or the superior court of the county of Suffolk for the relief provided in this section.

(4) An employee who is discharged, demoted, suspended, harassed, denied promotion, or in any other manner discriminated against in the terms and conditions of employment by his employer because of participation in conduct which directly or indirectly resulted in a false claim being submitted to the commonwealth or a political subdivision thereof shall be entitled to the remedies pursuant to paragraph (3) only if both of the following occurred:

(i) the employee has been harassed, threatened with termination or demotion, or otherwise coerced by the employer or its management into engaging in the fraudulent activity in the first place; and

(ii) the employee voluntarily disclosed information prior to being dismissed to a government or law enforcement agency or acts in furtherance of a false claims action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed.

Section 5K. (1) A civil action pursuant to sections 5B to 5O, inclusive, for a violation of section 5B may not be brought (i) more than six years after the date on which the violation occurred; or (ii) more than three years after the date when facts material to the right of action are known or reasonably should have been known by the official within the office of the attorney general charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last. A civil action pursuant to sections 5B to 5O, inclusive, may be brought for acts or omissions that occurred prior to the effective date of this section, subject to the limitations period set forth in this section.

(2) Notwithstanding any other law or rule of procedure or evidence, a final judgment rendered in favor of the commonwealth in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same act, transaction or occurrence as in the criminal proceedings and which is brought under section 5B.

Section 5L. In any action brought pursuant to sections 5B to 5O, inclusive, the party bringing the action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Section 5M. The attorney general may promulgate any rules, regulations or guidelines that, in the attorney general's judgment, are necessary and appropriate to the effective administration of this chapter.

Section 5N. (1) Notwithstanding any general or special law, procedural rule or regulation to the contrary, the attorney general, whenever he has reason to believe that any person may be in possession, custody or control of any documentary material or information relevant to a false claims law investigation, may, before commencing a civil proceeding under sections 5B to 5O, inclusive, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person (i) to produce such documentary material for inspection and copying; (ii) to answer written interrogatories, in writing and under oath; (iii) to give oral testimony under oath; or (iv) to furnish any combination of such material, answers or testimony.

(2) Service of any such demand may be made by (i) delivering a copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (ii) delivering a copy thereof to the principal place of business in the commonwealth of the person to be served; or (iii) mailing by registered or certified mail a copy thereof addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(3) Each such demand requesting documentary material or oral testimony shall (i) state the time and place of the taking of testimony or the examination and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs; (ii) state the nature of the conduct constituting the alleged violation of a false claims law which is under investigation, and the applicable provision of law alleged to be violated; (iii) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified; (iv) prescribe a return date within which the documentary material is to be produced; (v) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying; and (vi) if such demand is for the giving of oral testimony, notify the person receiving the demand of the right to be accompanied by an attorney and any other representative, prescribe a date, time and place at which oral testimony shall be commenced, identify the assistant attorney general who shall conduct the examination and to whom the transcript of such examination shall be submitted, specify that such attendance and testimony are necessary to the conduct of the investigation, and describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand. Notice of the time and place of taking oral testimony shall be given by the attorney general at least ten days prior to the date of such taking of testimony or examination, unless the attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant such taking of testimony within a lesser period of time.

(4) The oral examination of all persons pursuant to sections 5B to 5O, inclusive, shall be conducted before a person duly authorized to administer oaths by the law of the commonwealth. Rule 30(e) of the Massachusetts Rules of Civil Procedure shall be applicable to oral examinations conducted pursuant to said sections 5B to 5O, inclusive.

(5) Any person compelled to appear for oral testimony under a civil investigative demand issued under said sections 5B to 5O may be accompanied, represented and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, a motion may be filed for an order compelling such person to answer such question.

(6) The production of documentary material in response to a civil investigative demand served under sections 5B to 5O, inclusive, shall be made under a sworn certificate,



in such form as the demand designates, by (i) in the case of a natural person, the person to whom the demand is directed, or (ii) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody or control of the person to whom the demand is directed has been produced and made available to the members of the attorney general's staff identified in the demand.

(7) Each written interrogatory served under sections 5B to 5O, inclusive, shall be answered separately and fully in writing under the penalties of perjury. The person upon whom the interrogatories have been served shall serve the answers and objections, if any, upon the attorney general within 14 days after service of the interrogatories.

(8) Any documentary material or other information produced by any person pursuant to sections 5B to 5O, inclusive, shall not, unless otherwise ordered by a justice of the superior court for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general and any officer or employee of the commonwealth who is working under their direct supervision with respect to the false claims law investigation, unless with the consent of the person producing the same. Such documentary material or information may be disclosed by the attorney general in court proceedings or in papers filed in court. Nothing in this section shall preclude the attorney general from disclosing information and evidence secured pursuant to sections 5B to 5O, inclusive, to officials of the United States, the commonwealth or any political subdivision thereof charged with responsibility for enforcement of federal, state or local laws respecting fraud or false claims upon federal, state or local governments. Prior to any such disclosure the attorney general shall obtain a written agreement from such officials to abide by the restrictions of this section.

(9) At any time prior to the date specified in the civil investigative demand, or within 21 days after the demand has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business, or in Suffolk county.

(10) Whenever any person fails to comply with any civil investigative demand issued under sections 5B to 5O, inclusive, the attorney general may file, in the superior court of the county in which such person resides, is found, or transacts business, a motion for the enforcement of the civil investigative demand. The Massachusetts Rules of Civil Procedure shall apply to any such motion. Any final order entered pursuant to such petition may also include the assessment of a civil penalty of not more than \$5,000 for each act or instance of noncompliance.

(11) All such information and documentary materials as are obtained by the attorney general pursuant to sections 5B to 5O, inclusive, shall not be public records and are exempt



from disclosure under section 10 of chapter 66 or any other law.

(12) For purposes of sections 5B to 5O, inclusive, "documentary material" shall include the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart or other document or graphic representation, or data stored in or accessible through a computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data.

(13) Nothing in sections 5B to 5O, inclusive, shall be construed to authorize the attorney general to compel the production of information or documents from the state auditor or from the inspector general, unless otherwise authorized by law. Nothing in this chapter shall bar the attorney general from referring matters or disclosing information or documents to the state auditor or to the inspector general for purposes or any review or investigation they may deem appropriate.

Section 5O. Nothing in sections 5B to 5M, inclusive, shall be construed to relieve an agency of its reporting requirements regarding matters within that agency under chapter 647 of the acts of 1989.

**SECTION 19.** Said chapter 12 is hereby further amended by inserting after section 10 the following two sections:-

Section 10A. (a) There shall be within the department of the attorney general a health law unit to protect the public interest by enforcing existing laws that preserve access to affordable, high quality health care responsive to the needs of communities. The attorney general shall designate an assistant attorney general as the director of such unit. Subject to the approval of the attorney general, said director may appoint or retain and remove such expert, clerical or other assistants as the work of the unit may require.

(b) In addition to any other authority he may have, the attorney general may conduct an investigation upon application to and with the approval of a justice of the trial court whenever he reasonably believes that public health or safety will be jeopardized by changes or proposed changes in the availability, affordability or quality of health care delivery or services. In conducting such investigation, he may: (a) take testimony under oath; (b) examine or cause to be examined any relevant documentary material of whatever nature; and (c) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. The nature, contents and procedure for any notice issued by the attorney general relating to the taking of testimony, examinations or attendance shall be as set forth in subsections 2 to 7, inclusive, of section 6 of chapter 93A.

(c) In performing its duties, the health law unit may work in coordination with other divisions or areas within the department of the attorney general responsible for regulation or oversight of matters relating to health care or health insurance and may provide necessary or appropriate legal, financial or technical support to such other divisions or areas.

Section 10B. (a) There shall be within the health law unit, but not subject to its control, a health law advisory commission to advise the attorney general and the director of the unit on ongoing issues relating to health care access, affordability, quality and community

participation. The commission shall be comprised of nine members: one of whom shall be the commissioner of public health; one of whom shall be the commissioner of medical assistance; one of whom shall be the commissioner of health care finance and policy; three of whom shall be appointed by the senate president, one of whom shall be a health care finance expert from a school of public health, one of whom shall be a health law and policy expert from a school of government, law or public health and one of whom shall be from a consumer health care advocacy organization; and three of whom shall be appointed by the speaker of the house of representatives, one of whom shall be a health care finance expert from a school of public health, one of whom shall be a health law and policy expert from a school of government, law or public health and one of whom shall be from a consumer health care advocacy organization.

(b) The commission shall meet not less than quarterly and shall assist and advise the attorney general and the director of the health law unit on the following: (i) the development of a unified approach to government regulation of health care entities to best address issues effecting patient access, patient care and community involvement; (ii) any new developments in health care law and policy that may be relevant to the ongoing regulation of health care entities; and (iii) the changing needs of the public in relation to health care access, affordability and quality.

**SECTION 20.** Said chapter 12 is hereby further amended by adding the following section:-

Section 32. (a) The district attorneys in the Suffolk, Middlesex, Essex, Worcester, Hampden, Hampshire/Franklin, Norfolk, Plymouth, Bristol, Cape and Islands and Berkshire counties shall operate community based juvenile justice programs in order to coordinate efforts of the criminal justice system in addressing juvenile justice through cooperation with the schools and local law enforcement representatives, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health.

(b) A district attorney's community based juvenile justice program shall identify cases in which juvenile offenders are among those most likely to pose a threat to their community. The program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the district attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol and curricula.

(c) The offices of the district attorneys shall conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The district attorneys shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update the list as events may happen and the individual is moved through the criminal justice system.

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(d) The district attorneys shall assign prosecutors to the community based juvenile justice program who shall treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter violent, criminal or delinquent conduct. The offices of the district attorneys shall be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health.

(e) The district attorneys operating such programs shall participate in a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular programs and such task force shall submit an annual report on each program, including statistics and findings, to the house and senate committees on ways and means on or before February 1 each year.

**SECTION 21.** Section 8 of chapter 13 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a division of professional licensure under the supervision of a director.

**SECTION 22.** Section 9 of said chapter 13, as so appearing, is hereby amended by striking out, in line 2, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 23.** Said section 9 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 4, the words "of registration".

**SECTION 24.** Section 9A of said chapter 13, as so appearing, is hereby amended by striking out, in line 1, the words "of registration".

**SECTION 25.** Section 11C of said chapter 13, as so appearing, is hereby amended by striking out, in line 1, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 26.** The first sentence of the first paragraph of section 11D of said chapter 13, inserted by section 25 of chapter 127 of the acts of 1999, is hereby amended by striking out the words "division of registration" and inserting in place thereof the following words:- division of professional licensure.

**SECTION 27.** Section 11D of chapter 13 of the General Laws, as added by section 25 of chapter 127 of the acts of 1999, is hereby amended by striking out, in line four, the word "eight" and inserting in place thereof the word:- nine and,- by striking out in line five the word "three" and inserting in place thereof the following word:- four.

**SECTION 28.** Said section 11D of said chapter 13 of the General Laws, as so added is hereby further amended by striking out, in line 15, the period after the word "years" and inserting in place thereof a comma, and adding the following:- except that of the members



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of the first board, three members shall be appointed for terms of one year, three members shall be appointed for terms of two years, and three members shall be appointed for terms of three years.

**SECTION 29.** Section 38 of said chapter 13, as so appearing, is hereby amended by striking out, in line 5, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 30.** Section 43 of said chapter 13, as so appearing, is hereby amended by striking out, in line 3, the word "the division of registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 31.** Section 84 of said chapter 13, as so appearing, is hereby amended by striking out, in line 21, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 32.** Section 88 of said chapter 13, as so appearing, is hereby amended by striking out, in line 1, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 33.** Section 92 of said chapter 13, as so appearing, is hereby amended by striking out, in line 37, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 34.** Section 96 of said chapter 13, added by section 1 of chapter 146 of the acts of 1999, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There is hereby established within the division of professional licensure, a board of registration of home inspectors.

**SECTION 35.** Section 11 of chapter 15 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 35 and 36, the words "six hundred forty-five of the acts of nineteen hundred and forty-eight, as amended," and inserting in place thereof the following:- 70B.

**SECTION 36.** Said section 11 of chapter 15 of the General Laws, as appearing in the 1998 Official Edition, is hereby further amended by striking out the third paragraph.

**SECTION 37.** Said chapter 15 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. There shall be a teachers' retirement board for the purpose of administering the teachers' retirement system established under the provisions of chapter 32. Such board shall consist of seven members as follows: the commissioner of education, or his designee, who shall be a member ex officio and who shall serve as chairman, the state treasurer, or his designee, the state auditor, or his designee, a fourth member who shall be appointed by the governor for a term of four years and who shall be a retired former public school teacher within the commonwealth, two members who shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding four years, as the commission shall determine, and a seventh member who shall be chosen by the other six for a term of four years. Future elections of the



fifth and sixth members shall be held under the supervision of such retirement board and the terms of the fifth and sixth members shall be arranged so as not to expire in the year of expiration of the term of the seventh member. If a seventh member is not chosen by the other six members within 30 days after the expiration of the term of the seventh member, the governor shall appoint a seventh member for a term of four years. Each member of such retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected, chosen or appointed member or in case of a vacancy in either of said offices, a successor shall be elected, chosen or appointed as aforesaid for a four-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the seventh member expire in the same year as the term of either the fifth or sixth member.

**SECTION 38.** Section 9 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "colleges", in line 70, as so appearing, the following words:- ; provided, further, that said guidelines shall direct each board of trustees to establish appropriate fees for technological improvements pursuant to section 22.

**SECTION 39.** Said chapter 15A is hereby further amended by inserting after section 15E the following section:-

Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public community college training opportunities in order to promote workforce development, minimize the shortage of skilled workers and raise economic opportunity through a matching incentive grant program to be known as the community college workforce training incentive program. Subject to appropriation, the board of higher education shall establish guidelines for the distribution of community college workforce training incentive grants; provided, however, that said guidelines shall provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in eligible revenues; and (ii) minimum requirements for the level of not-for-credit vocationally-oriented instruction which shall be provided by incentive grant recipients in the fiscal year in which such grant is awarded. For the purposes of this section, eligible revenues shall be defined as revenues received by a community college for one of the following purposes: tuition and fees paid by students enrolled in not-for-credit vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of employees enrolled in not-for-credit vocationally-oriented courses; and revenues from service contracts with Massachusetts employers to provide not-for-credit vocationally-oriented training. Revenues from contracts with public agencies, public grants or private gifts shall not be considered eligible revenues for the purposes of this section. Incentive grants shall be expended for the following purposes: to expand not-for-credit vocationally-oriented course offerings; to expand not-for-credit vocationally-oriented instruction provided through contracts with Massachusetts employers; and to otherwise promote not-for-credit vocationally-oriented instruction. The total aggregate amount of incentive grants awarded by the board shall not exceed \$2,500,000 in any fiscal year. Each community college campus shall report not later than December 31, annually, to the board of higher education and the house and senate committees on ways and means on the level of not-for-credit vocationally-

oriented instruction provided in the preceding fiscal year and the anticipated level of such instruction in the current fiscal year. Said report shall detail enrollment levels, revenues received, sources of revenues, the number of service contracts established with Massachusetts employers and such other information as the board of higher education may require.

**SECTION 40.** Section 15F of said chapter 15A, inserted by section 39 of this act is hereby repealed.

**SECTION 41.** The ninth paragraph of section 16 of said chapter 15A, as so appearing, is hereby amended by adding the following sentence:- The guidelines shall include, but not be limited to, a waiver of mandatory fees.

**SECTION 42.** Section 19 of said chapter 15A, as amended by section 30 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the board of higher education shall provide full tuition waivers for any state-supported course offered by an institution at a public college or university, excluding graduate courses and courses in the MD program at the University of Massachusetts Medical Center, and including courses toward an undergraduate degree program, certificate program, short-term certificate program and noncredit courses at each community college, state college and undergraduate campus of the University of Massachusetts for students who are not over the age of 24 and who, while in the custody of the department of social services, were adopted by an eligible Massachusetts resident or commonwealth employee as determined by the department of social services in conjunction with the human resources division.

**SECTION 43.** Chapter 17 of the General Laws is hereby amended by adding the following section:-

Section 17. There shall be an advisory council on quality of care in nursing homes to consist of the commissioner of public health, the commissioner of medical assistance, the secretary of elder affairs and 11 persons to be appointed by the governor, two of whom shall be representatives of the nursing home industry, two of whom shall be direct care workers who are certified as nurse's aides, one of whom shall be a registered nurse, one of whom shall be a licensed practical nurse, one of whom shall be a member of a consumer advocacy organization, one of whom shall be a nursing home ombudsman, one of whom shall be an expert in labor recruitment and issues relative to the health care workforce, one of whom shall be a representative of a labor organization representing nursing home direct care workers recommended by the president of the Massachusetts AFL-CIO and one of whom shall be a family member of a nursing home resident.

The duties of the advisory council shall consist of the following:

(a) to propose regulations to the department of public health establishing appropriate staffing levels for long term care facilities to ensure quality of care for residents. In developing such regulations, the council shall consider the staffing ratios recommended by the National Citizens' Coalition for Nursing Home Reform and staffing levels established in other states;

(b) to evaluate, annually, the required minimum staffing levels for nursing and ancillary nursing personnel set forth in department of public health's long term care facility regulations and to make recommendations to ensure adequate staffing;

(c) to submit a report annually to the governor and file a copy of said report with the state secretary, the clerks of the senate and house of representatives reflecting any legislative, budgetary and policy recommendations necessary to support and improve quality of care in nursing homes; and

(d) to study the status of the healthcare workforce in the commonwealth and develop legislative, budgetary and policy recommendations on labor recruitment and retention, including workforce development, compensation and benefits for staff of long term care facilities. In developing such recommendations, the council shall consult with individuals and organizations with expertise in the area of labor recruitment and workforce issues.

Members of the council shall choose the chairperson of the council. The council shall meet at least four times each year and shall convene special meetings at the call of the chairperson, a majority of the members of the council or the commissioner of public health. Members of the council shall be appointed for terms of two years and no member shall be appointed to serve more than two consecutive terms. Upon the expiration of the term of an appointed member, a successor shall be appointed in like manner for a term of two years. Members of the council shall serve without compensation but shall be reimbursed, subject to appropriation, for expenses actually and necessarily incurred in the discharge of their duties.

**SECTION 44.** Section 5G of chapter 18 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "claimant", in lines 11, 12, and 19, each time it appears, the following words:- or the claimant's heirs, estate or legal representative.

**SECTION 45.** Chapter 19A of the General Laws, as so appearing, is hereby amended by inserting after section 4B the following section:-

Section 4C. (a) For the purposes of this section, the following words shall have the following meanings:

"Eligible person", a resident of the commonwealth at the time of application.

"Office", the executive office of elder affairs.

"Participating manufacturer", a pharmaceutical manufacturer which offers prescription medications or nonprescription medications at a reduced cost or free of charge to indigent persons pursuant to a voluntary drug assistance program.

"Prescription medications", prescription drugs that have been approved as safe and effective by the federal Food and Drug Administration or are otherwise legally marketed in the United States and that are manufactured and offered by pharmaceutical companies.

(b) There is hereby established the pharmacy outreach program for the purposes of assisting residents of the commonwealth in obtaining free or low cost prescription medications or nonprescription medications from pharmaceutical manufacturers and educating such



persons about health care issues related to medications. The office shall administer the program in conjunction with an outside vendor who shall be selected by the office pursuant to procurement regulations promulgated under the authority of the executive office of administration and finance.

(c) The pharmacy outreach program shall assist eligible persons in procuring free or low cost prescription medications or nonprescription medications by:

(1) evaluating the likelihood of success of an eligible person's obtaining free or low cost prescription medications or nonprescription medications from a participating manufacturer under the guidelines formulated;

(2) assisting an eligible person with the preparation of an application for prescription medications or nonprescription medications to participating manufacturers; and

(3) coordinating and assisting a physician registered pursuant to section 2 of chapter 112 with communications, including applications, made on behalf of an eligible person to a participating manufacturer for the purpose of obtaining approval of the eligible person in any voluntary drug assistance program.

(d) The pharmacy outreach program shall also establish a medication education and intervention resource center which shall:

(1) create and maintain a statewide toll free telephone number staffed by individuals who are qualified to counsel and advise eligible persons and anyone participating in the prescription drug subsidized insurance program pursuant to sections 39 and 40, on questions that they may have about prescription drugs or nonprescription drugs;

(2) sponsor and organize presentations, workshops and screenings in conjunction with other organizations that serve the interests of the elderly and other eligible persons on issues of mental and physical health;

(3) offer and provide information on prescription medications and nonprescription medications including, but not limited to, information on drug interactions and abuse; and

(4) offer in-person counseling to eligible persons for the purpose of explaining proper medication use and discouraging medication misuse.

(e) The office shall promulgate such regulations as are necessary to implement the pharmacy outreach program.

**SECTION 46.** Said chapter 19A is hereby further amended by adding the following two sections:-

Section 39. (a) For the purposes of this section and section 40, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Department", the department of elder affairs.

"Eligible person", a resident of the commonwealth who:

(1) is 65 years of age or older; or

(2) has a gross annual household income of not more than 188 per cent of the federal poverty level; does not work more than 40 hours per month and meets: (i) the disability requirements of the Commonwealth program, so-called, under clause (h) of subsection (2) of section 9A of chapter 118E, notwithstanding the income eligibility requirements under said



clause (h); or (ii) the disability requirements of the CommonHealth program, so-called, under section 16 of said chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (iii) the disability requirements of the CommonHealth program, so-called, under section 16A of said chapter 118E; or

(3) meets the requirements of subparagraph (2) and is enrolled as of March 31, 2001 in the Pharmacy Plus program, so-called, established pursuant to section 313 of chapter 127 of the acts of 1999; and

(4) is not eligible for pharmacy benefits or coverage under said chapter 118E other than under said clause (h) of said subsection (2) of said section 9A, said section 16, or said section 16A, of said chapter 118E.

"Enrollee", an eligible person who has applied and enrolled in the program established by this section.

"Mail service program", a program to dispense prescription drugs by postal delivery service designated and administered by the department, and any entity with which it contracts, upon an enrollee's submission of a prescription and the applicable co-payment.

"Maintenance drug", a prescription drug prescribed to an individual for a chronic condition, the use of which is medically necessary for a consecutive period of 90 days or longer.

"Pharmacy benefit manager", an entity under contract with the department, whether organized on a for-profit or a not-for-profit basis, contracted to manage the program established by this section.

"Program", the subsidized catastrophic prescription drug insurance program.

"Review commission", the prescription drug review commission.

(b) The department shall administer a subsidized catastrophic prescription drug insurance program designed to provide eligible persons with prescription drug coverage. The program shall be actuarially sound. Enrollment in the program shall be voluntary and shall be funded each fiscal year, subject to appropriation, from the Tobacco Settlement Fund established by section 2XX of chapter 29.

(c) The secretary, in conjunction with the secretary of administration and finance, shall enter into a competitively procured contract with one or more entities including, but not limited to, a pharmacy benefit manager, to administer benefits under the program. The secretary shall take all necessary steps to ensure that the program is structured in a way that maximizes savings, efficiencies, affordability, benefits and coverage. The procurement shall explicitly be made a part of, or said contract shall be performed in conjunction with, the aggregate purchasing program established by section 271 of chapter 127 of the acts of 1999, or any successor statute. No prescription drug shall be excluded from any formulary established for the program unless another prescription drug is available on said formulary that is therapeutically equivalent to the excluded prescription drug. Not less than 90 days prior to procuring a contract with an existing pharmacy benefit manager, the department shall file a report with the review commission detailing the cost savings associated with the de-

partment's decision to procure such existing pharmacy benefit manager's services. The department shall contract with entities to perform marketing, enrollment, billing, claims processing, claims management or any other function it deems necessary.

(d) Notwithstanding any general or special law to the contrary, the department shall, subject to appropriation, engage in outreach marketing efforts to maximize enrollment in the program for the purpose of spreading the risk, so-called, of the program established herein.

(e) Not later than 30 days prior to enrolling eligible persons in said program, and annually thereafter, the department shall establish schedules of monthly premiums and annual deductibles based on a sliding income scale payable by enrollees whose gross annual household income is greater than 188 per cent of the federal poverty level. The department shall also establish schedules of monthly premiums and deductibles based on a sliding income scale payable by married applicants whose gross annual household income is greater than 188 per cent of the federal poverty level. The commonwealth shall be liable for the cost of the monthly premium and annual deductible established by the schedule for any and all enrollees including, but not limited to, married applicants, whose gross annual household income is less than or equal to 188 per cent of the federal poverty level. Said schedules shall provide for not less than six separate categories of premiums and deductibles, on a sliding scale basis, for all income levels above 188 per cent of the federal poverty level. During the first 12 months of the program, the schedule shall provide for monthly premiums of: (1) not more than \$15 for enrollees including, but not limited to, married applicants whose gross annual household income is between 188 per cent and 200 per cent of the federal poverty level; and (2) not more than \$25 for enrollees including, but not limited to, married applicants whose gross annual household income is between 200 per cent and 225 per cent of the federal poverty level; and (3) not more than \$82 for enrollees whose gross annual household income exceeds 500 per cent of the federal poverty level. Annual deductibles shall range between \$100 and \$500. Eligibility for the program shall be determined based on an enrollee's gross annual household income. Each enrollee shall separately pay the monthly premium and annual deductible applicable to the sliding scale income category for such household, as determined by the department.

(f) The department or its designee shall verify income for the program based on the submission of the most recently required federal income tax return for the household or, if an applicant is not required to file a return, the submission of copies of monthly checks or other easily obtainable means of income verification. Residency shall be verified by the submission of such documentation as the department deems reasonable.

(g) Subject to this section, the program shall pay the costs of all prescription drugs for an enrollee whose out-of-pocket expenditures on prescription drugs exceeds the lesser of (a) 10 per cent of such enrollee's gross annual household income; or (b) \$2,000 in out-of-pocket expenditures made by an enrollee for co-payments and deductibles in a fiscal year. For purposes of this paragraph, out-of-pocket expenditures shall not include monthly premiums for which an enrollee shall remain responsible. The program shall pay the costs of any prescription drug in excess of the co-payment amount applicable to such drug after

the deductible established for such an enrollee has been reached.

(h) An enrollee whose gross annual household income is greater than 200 per cent of the federal poverty level shall be responsible for a co-payment for each prescription of: (a) \$10 per prescription for a generic drug; (b) \$25 per prescription for a preferred drug; and (c) the greater of \$25 or 50 per cent of the cost per prescription for a nonpreferred drug. The co-payment for maintenance drugs shall be: (a) \$20 for each 90-day supply of a prescription for a generic drug; (b) \$50 for each 90-day supply of a preferred drug; and (c) the greater of \$50 or 50 per cent of the cost per prescription of a nonpreferred drug.

(i) An enrollee whose gross annual household income is less than or equal to 200 per cent of the federal poverty level shall be responsible for a co-payment for each prescription of: (a) \$5 per prescription for a generic drug; (b) \$12 per prescription for a preferred drug; and (c) the greater of \$25 or 50 per cent of the cost per prescription for a nonpreferred drug. The co-payment for maintenance drugs shall be: (a) \$10 for each 90-day supply of a prescription for a generic drug; (b) \$25 for each 90-day supply of a preferred drug; and (c) the greater of \$50 or 50 per cent of the cost per prescription of a nonpreferred drug.

(j) Subject to this section, the department may offer a mail service program and may require the use of a mail service program for maintenance drugs. No such mail order program for maintenance drugs shall be required unless the secretary determines in writing that material savings will result to the commonwealth or enrollees without compromising the health or safety of enrollees. In making such determination, the secretary shall consider the impact of any such mail order program on the value of the retail pharmacy services in the communities. Prior to making any such determination, the secretary shall hold at least one public hearing in order to hear testimony from members of the public. Any such mail service program shall be administered by the department, and the contracted pharmacy benefit manager.

(k) In order to maintain the fiscal viability of the program, after the first 12 months of said program, cost sharing required of enrollees in the form of co-payments, premiums and deductibles, or any combination thereof, shall be adjusted annually by the department to reflect price trends for prescription drugs, as determined by the secretary. The review commission shall evaluate the actuarial assumptions and the appropriateness of such adjustments and make an annual written determination whether such adjustments are necessary for all or any combination of such cost sharing requirements. Not later than 90 days prior to making any such adjustments, the secretary shall submit to the chairman of the senate and house committees on ways and means the reasons therefor, the written determination made by the commission and all actuarial assumptions and other supporting materials upon which such adjustments are based.

(l) During the initial 12-month period the program is in effect, an eligible person may enroll at any time, after which, application to the program shall be made during an open enrollment period established by the department, but a person shall be eligible to enroll in the program at any time within the year of reaching age 65. The department shall establish a surcharge for any eligible person whose gross annual household income is not less than 188



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per cent of the federal poverty level and who fails to enroll within their first year of eligibility.

(m) Coverage shall be effective as of the date an application for enrollment is approved by the department. The secretary shall close the open enrollment period or modify income eligibility levels upon a written determination by the secretary that program expenditures are projected to exceed the amount appropriated for the program or, based on not less than nine months of claims and enrollment data for the current fiscal year, expenditures in the subsequent fiscal year are clearly projected to annualize beyond the expenditures projected by the department in the subsequent fiscal year. If such projection is based on expenditures in the subsequent fiscal year, the secretary shall not modify income eligibility levels or close open enrollment until not earlier than the beginning of the subsequent fiscal year.

(n) The department, and any entity with which it contracts, shall inform enrollees in writing of the program's scope, coverage, cost sharing requirements and any limitations on access to prescription drugs. The department, and any entity with which it contracts, shall provide for a clear and timely process by which enrollees can appeal a decision by the department or any contracted entity to deny or limit coverage or benefits under this section.

(o) The appeal process shall, at a minimum, provide enrollees with the opportunity to (1) obtain a nonpreferred drug at the co-payment level of a preferred drug, or to obtain any prescription drug excluded by the program, upon a separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary and there is no therapeutically equivalent preferred drug available to the enrollee; (2) a provision allowing enrollees to appeal the exclusion of any prescription drug from any formulary established for said program. An enrollee may apply to be exempt from any mail service requirement of the program upon a separate written certification by the enrollee's physician, satisfactory to the department, that due to a disability or other significant limiting factor, the use of such a mail service program would be medically inappropriate for the enrollee. A retail pharmacy shall not be required to dispense a prescription upon the failure of an enrollee to make the required co-payment.

(p) The department shall promulgate such rules and regulations as may be necessary to implement and administer the program.

Section 40. (a) There shall be a prescription drug review commission, hereinafter referred to as the commission, to oversee the program established in section 39. The commission shall consist of: the speaker of the house of representatives; the president of the senate; the chairs of the house and senate ways and means committees or their designees; the co-chairs of the joint committee on health care or their designees; the secretary of elder affairs or his designee and nine members to be appointed by the governor, including two representatives of senior citizens' advocacy organizations, two representatives of disability advocacy organizations, a health care economist from a university or college within the commonwealth, two representatives from retail pharmacies, an individual who is a full-time employee of a pharmaceutical manufacturer and an individual who is a full-time employee



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of a biotechnology manufacturer. A representative of the contracted pharmacy benefit manager shall also participate, but shall not be a voting member of the commission.

(b) The commission shall be co-chaired by the speaker of the house of representatives and the president of the senate. The commission shall adopt such rules and establish such procedures as it deems necessary for the oversight of the program established in section 39. No action of the commission shall be considered approved unless it is endorsed by a majority vote of the commission.

(c) The commission shall meet quarterly and shall, not less than biannually, submit written recommendations to the governor regarding changes to the administration, management, eligibility criteria, benefits, funding or any other aspect of the program.

(d) To facilitate the commission's development of the recommendations, the department, and any entity with which it contracts, shall review the operations of the program and, not less than quarterly, prepare and submit the following summary information to said commission:

(1) financial reports of said program, including actual and projected costs and revenues and an analysis of the adequacy of appropriated funding;

(2) enrollment information, including enrollee demographics and benefit utilization data;

(3) specific problems associated with the program and suggested strategies to resolve such problems;

(4) a review of the pharmacy benefit manager's designated formulary for the program and any proposed changes thereto;

(5) an analysis of current and future technological advancements that may result in cost savings or otherwise affect the program;

(6) an analysis of the program's cost sharing requirements including, but not limited to, co-payments, premiums and deductibles, in relation to actual market trends in prescription drug costs, prescription drug inflation and any proposed changes thereto;

(7) an analysis of the disabled enrollees' drug utilization pattern including, but not limited to, the cost associated with such utilization and the implications for expanding benefits to all disabled individuals who reside in the commonwealth; and

(8) all other information requested by the commission.

In developing its recommendations, the commission shall consult with representatives of parties who may be affected by the commission's recommendations including, but not limited to, the drug formulary commission, as established by section 13 of chapter 17.

**SECTION 47.** Sections 39 and 40 of chapter 19A of the General Laws are hereby repealed.

**SECTION 48.** Section 4 of chapter 21J of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 17 and 18, the words "only upon the written order of the state fire marshal or his designee".

**SECTION 49.** Section 8 of said chapter 21J, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- Seven

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members shall constitute a quorum but, for the purposes of voting to approve any reimbursement pursuant to this chapter, five members shall constitute a quorum.

**SECTION 50.** Section 11 of chapter 22 of the General Laws, as so appearing, is hereby amended by inserting after the word "forty-three", in line 14, the following words:- and one representative of the department of fire services.

**SECTION 51.** Section 14 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No person who has been convicted of a felony or any offense punishable under chapter 94C or has been convicted of a misdemeanor and has been confined to any jail or house of correction as punishment for said crime shall be appointed as an employee of the department, including but not limited to a uniformed member, clerk, assistant or expert; provided, however, that the colonel may certify for appointment a civilian employee who has been convicted of a misdemeanor if that appointment will contribute substantially to the work of the department.

**SECTION 52.** Said chapter 22C is hereby further amended by inserting after section 24 the following section:-

Section 24A. (a) Any person who has been retired for disability pursuant to section 6, 7, or 26 of chapter 32 who, upon return to active service in the same position, would so return in the position of a sworn member of the department of state police and is subsequently determined capable of employment as a sworn member of the state police pursuant to subdivision (5) of section 26 of chapter 32 by the rating board, as defined in subdivision (1) of said section 26, shall be placed in such position prior to the appointment from an eligible list or promotional list established pursuant to the provisions of section 11 or 26; provided, however, that such member shall, upon petition to the colonel, obtain the prior written certification by the colonel, as a condition for placement under this section; provided, further, that such member, shall not return to work in such position if such member does not meet the appointment standards of said department as set forth in section 14 of chapter 22C. If the member seeking to return to work in the position of a sworn member of said department exceeds a one year in break of service, the colonel shall not allow the member to return to such position if the member fails to successfully pass a background investigation, drug testing, applicable physical fitness testing, psychological testing, and complete retraining as determined by the colonel.

(b) The colonel shall, within 40 days immediately following the receipt of a written petition for certification, either certify the petitioner for reinstatement or deny such petition for certification and serve written notice of such denial and of the reason therefor upon the applicant by first class mail, postage prepaid; provided, however, that the colonel shall deny such request submitted by or on behalf of any petitioner who is disqualified by law from placement under this section.

Any petitioner denied certification under this subdivision may within either 45 days after receiving notice of such denial or 45 days after the expiration of the time period during

which the colonel is required to respond to the petitioner, file a petition to obtain judicial review in the superior court having jurisdiction in the city or town wherein the petitioner lives and a justice of said court, after having heard all of the facts, may direct that a position be made available to the petitioner if he finds that there was no reasonable ground for refusing such certification and that the petitioner was not prohibited by the hiring standards from placement under this section.

(c) If, after two years from the date that a member is retired under section 6, 7 or 26 and would return to active service in the same or similar position as a sworn member of the department of the state police if meeting requirements set forth in paragraph (a), the regional medical panel determines that the retired member is qualified for and able to perform the essential duties of the position from which he retired or a similar position within the same department, as determined by the colonel, said member shall be returned to such position, provided said member meets the requirements for those who have a break of service of more than one year and further that the position is vacant; provided however, that said returning retired member shall displace or supersede an individual currently on existing eligible or promotional lists only with the approval of the colonel.

(d) Any member, retired for disability for more than three years shall not return to active service for the department if such member fails to meet the requirements set forth in paragraph (a) and fails to complete state police academy training as required by the colonel.

**SECTION 53.** Chapter 29 of the General Laws is hereby amended by striking out section 2U, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:—

Section 2U. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Ponkapoag Recreational Fund. There shall be credited to said fund revenues generated from fees or any other revenue source at the Ponkapoag golf course in the Blue Hills Reservation in the town of Canton. Such revenues shall be credited to said fund in the following manner: (1) the first \$700,000 in revenues shall be deposited in said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel; (2) revenues which are in excess of \$700,000, but less than \$1,100,000, shall be credited to the general fund; and (3) revenues generated in excess of \$1,100,000 shall be credited to said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel.

**SECTION 54.** The last sentence of the first paragraph of section 2FF of said chapter 29, as so appearing, is hereby amended by striking out clause (d).

**SECTION 55.** Said chapter 29 is hereby further amended by striking out section 2II, as so appearing, and inserting in place thereof the following section:—

Section 2II. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Leo J. Martin Recreational Fund. There shall be credited to said fund revenues generated from fees or any other revenue source at the Leo J. Martin golf course in the town of Weston and the city of Newton. Such revenues shall be credited



to said fund in the following manner: (1) the first \$450,000 in revenues shall be deposited in said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel; (2) revenues which are in excess of \$450,000, but less than \$865,000, shall be credited to the general fund; and (3) revenues generated in excess of \$865,000 shall be credited to said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel.

**SECTION 56.** Said chapter 29 is hereby further amended by inserting after section 2XX the following two sections:-

Section 2YY. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the False Claims Prosecution Fund. There shall be credited to such fund all monies received by the commonwealth as a result of actions brought by the attorney general or a relator pursuant to section 5A of chapter 12, including costs and attorneys fees. Amounts credited to such fund shall be expended, subject to appropriation, as follows: (i) payable by the treasurer to a relator, in such amount as has been awarded to the relator by final judicial order in an action under said section 5A of said chapter 12; (ii) to the account of the commonwealth agency or to a political subdivision, in an amount equal to the monetary loss actually incurred by said agency or political subdivision as a result of acts or omissions that were the subject of the action or settlement; (iii) to the office of the attorney general, in the amount of costs and attorneys fees incurred by such office and recovered by the attorney general; (iv) to the office of the inspector general for costs and attorneys fees incurred by such office and recovered by the attorney general on behalf of such office; (v) to the office of the state auditor for costs and attorneys fees incurred by such office and recovered by the attorney general on behalf of such office; and (vi) such other sums necessary for the investigation and prosecution of actions under said section 5A of said chapter 12. At the end of each fiscal year, the comptroller shall transfer to the general fund any balance remaining in the False Claims Prosecution Fund after such expenditures.

Section 2ZZ. (a) There is hereby established and set up on the books of the commonwealth a separate nonlapsing, revolving fund to be known as the Catastrophic Illness in Children Relief Fund, hereinafter called the fund. The fund shall be administered by The Catastrophic Illness in Children Relief Fund commission established pursuant to chapter 111K and shall be credited with monies received pursuant to sections 6, 9 and 10 of said chapter 111K.

(b) The state treasurer, ex officio, shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to her under this section and shall credit interest and earnings on the fund to said fund.

(c) The state treasurer shall adopt rules and regulations in accordance with chapter 30A on procedures for the collection of the fee established under section 9 of said chapter 111K.



**SECTION 57.** The second paragraph of section 6 of chapter 29C of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Notwithstanding the foregoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the department's intended use plan for calendar year 2002 and any subsequent calendar year shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to 2 per cent.

**SECTION 58.** Subsection (g) of section 18 of said chapter 29C, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the foregoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of drinking water projects on the department's intended use plan for calendar year 2002 and any subsequent calendar year shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to 2 per cent.

**SECTION 59.** Section 3 of chapter 29D of the General Laws, as appearing in section 43 of said chapter 127, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Of the annual sums transferred by the comptroller from the Health Care Security Trust Fund to the Tobacco Settlement Fund pursuant to paragraph (c), 25 per cent shall be dedicated to the purposes of tobacco control.

**SECTION 60.** Said section 3 of said chapter 29D, as so appearing, is hereby further amended by adding the following paragraph:-

(i) The attorney general shall file a quarterly report with the state comptroller, the state budget director and the house and senate committees on ways and means which shall include, but not be limited to, the following: (a) an updated schedule of payments due the commonwealth pursuant to the master settlement agreement in the tobacco action; (b) an analysis of any imminent factors that may affect the industry's ability to generate such payments to the commonwealth; (c) a detailed account of the analysis and methodology used to determine the variations associated with said schedule of payments; (d) an explanation of the financial impact that such variations in said schedule of payments shall have upon the amount due to the commonwealth and the industry's obligation to the commonwealth; and, (e) an itemized account of any and all amendments that have been made to the master settlement agreement.

**SECTION 61.** Section 39K of chapter 30 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, at any time after the value of the work remaining to be done is, in the estimation of the awarding authority, less than 1 per cent of

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the adjusted contract price, or the awarding authority has determined that the contractor has substantially completed the work and the awarding authority has taken possession for occupancy, the awarding authority may send to the general contractor by certified mail, return receipt requested, a complete and final list of all incomplete and unsatisfactory work items, including, for each item on the list, a good faith estimate of the fair and reasonable cost of completing such item. The general contractor shall then complete all such work items within 30 days of receipt of such list or before the contract completion date, whichever is later. If the general contractor fails to complete all incomplete and unsatisfactory work items within 45 days after receipt of such items furnished by the awarding authority or before the contract completion date, whichever is later, subsequent to an additional 14 days' written notice to the general contractor by certified mail, return receipt requested, the awarding authority may terminate the contract and complete the incomplete and unsatisfactory work items and charge the cost of same to the general contractor and such termination shall be without prejudice to any other rights or remedies the awarding authority may have under the contract. The awarding authority shall note any such termination in the evaluation form to be filed by the awarding authority pursuant to the provisions of section 44D of chapter 149.

**SECTION 62.** Section 39M of chapter 30 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "if", in line 56, the following words:- , in the opinion of the awarding authority:.

**SECTION 63.** Said section 39M of said chapter 30, as so appearing, is hereby further amended by inserting after the word "thirty B", in line 90, the following words:- ; and (5) to any contract solely for the purchase of material awarded by a governmental body, as defined by section 2 of chapter 30B, in accordance with section 5 of said chapter 30B.

**SECTION 64.** Said section 39M of chapter 30 of the General Laws, as so appearing, is hereby further amended by adding the following subsection:-

(f) For any contract for construction, reconstruction, alteration, remodeling or repair of any public work awarded pursuant to this section and estimated by the awarding authority to cost more than \$500,000, the awarding authority shall, as a condition for the disbursement and acceptance of any funding from the commonwealth, employ or contract with an owner's representative, as defined in subsection (1) of section 44A of chapter 149.

**SECTION 65.** Subsection (b) of section 1 of chapter 30B of the General Laws is hereby amended by striking out clause (9), as so appearing, and inserting in place thereof the following clause:-

(9) a contract to purchase supplies or services from, or to dispose of supplies to, any agency or instrumentality of the federal government, the commonwealth or any of its political subdivisions or any other state or political subdivision thereof;.

**SECTION 66.** Section 2 of said chapter 30B, as so appearing, is hereby amended by inserting after the word "thereof", in line 21, the following words:- ; or an individual duly appointed by the governing board of an authority or other governmental body to procure supplies and services for the authority or governmental body.

**SECTION 67.** Section 4 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "one thousand dollars" and inserting in place thereof the following figure:- \$5,000.

**SECTION 68.** Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 3, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 69.** Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 9, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 70.** Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 14, the words "one thousand dollars" and inserting in place thereof the following figure:- \$5,000.

**SECTION 71.** Section 5 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 72.** Subsection (g) of said section 5 of said chapter 30B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The time for acceptance may be extended for up to 45 days by mutual agreement between the governmental body and the apparent lowest responsible and responsive bidder or, for a contract requiring payment to the governmental body, by mutual agreement between the governmental body and the highest apparent responsible and responsive bidder.

**SECTION 73.** Section 6 of said chapter 30B, as so appearing, is hereby amended, by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 74.** Subsection (j) of said section 6 of said chapter 30B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The time for acceptance may be extended for up to 45 days by mutual agreement between the governmental body and the responsible and responsive offeror offering the most advantageous proposal as determined by the chief procurement officer.

**SECTION 75.** Section 7 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

**SECTION 76.** Section 13 of said chapter 30B, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following two clauses:-

(4) the increase in the total contract price does not exceed 25 per cent but a contract for the purchase of gasoline, special fuel, fuel oil, road salt or other ice and snow control supplies shall not be subject to this limit; and

(5) the governmental body, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the governmental



body at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

**SECTION 77.** Section 15 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words "five hundred dollars" and inserting in place thereof the following figure:- \$5,000.

**SECTION 78.** Section 16 of said chapter 30B, as so appearing, is hereby amended by adding the following subsection:-

(i) Acquisitions or dispositions of real property or any interest therein pursuant to this section between governmental bodies and the federal government, the commonwealth or any of its political subdivisions or another state or political subdivision thereof shall be subject to subsections (a), (b) and (g).

**SECTION 79.** Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "State official" the following definition:-

"State police surgeon", the physician designated by the colonel of the department of state police to serve as the physician for the department.

**SECTION 80.** Section 3 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 338 and 339, the words "and the chief fire warden and district fire wardens in the executive office of environmental affairs" and inserting in place thereof the following words:- the chief fire warden and the district fire wardens in the executive office of environmental affairs and the fire marshal of the department of fire services in the executive office of public safety; but the fire marshal shall have been a member of group 4 for ten years or have had ten years or more employment at the department of fire services or its predecessor agencies, the division of fire prevention and the Massachusetts firefighting academy, before being eligible for benefits under this section.

**SECTION 81.** Said section 3 of said chapter 32, as so appearing, is hereby further amended by inserting after the words "state retirement system", in line 477, the following words:- or the State-Boston retirement system.

**SECTION 82.** Section 5 of said chapter 32, as so appearing, is hereby amended by inserting after the word "town", in line 99, the following words:- or by a sheriff.

**SECTION 83.** Section 5B of said chapter 32, as so appearing, is hereby amended by inserting after the word "agent," in line 31, the following words:-, the state police surgeon if the member is seeking to return to work in the position of a sworn member of the department of state police,.

**SECTION 84.** Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 60, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.

**SECTION 85.** Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 73, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.



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**SECTION 86.** Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 93, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.

**SECTION 87.** Section 9 of said chapter 32, as so appearing, is hereby amended by striking out, in line 48, the words "and does not remarry".

**SECTION 88.** Option (d) of subdivision (2) of section 12 of said chapter 32, as so appearing, is hereby amended by striking out the eleventh paragraph.

**SECTION 89.** Section 12 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 159, the words "two-thirds of".

**SECTION 90.** Said section 12 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 163, the words "two-thirds of".

**SECTION 91.** Subsection (5) of section 20 of chapter 32, as so appearing, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) (1) Whenever any such board shall find it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, it may, subject to the approval of the actuary, use estimates thereof on any basis which in its judgment is fair and just. The board, upon discovery of any error in any record of the system, shall, as far as practicable, correct such record.

(2) When an error exists in the records maintained by the system or an error is made in computing a benefit and, as a result, a member or beneficiary receives from the system more or less than the member or beneficiary would have been entitled to receive had the records been correct or had the error not been made, the records or error shall be corrected, and as far as practicable, and future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the member or beneficiary was correctly entitled shall be paid. If it is determined that a member has contributed an incorrect amount to the retirement system, the member shall be required to contribute an amount sufficient to correct such error or the board shall pay an amount to the member to correct such error, as the case may be.

(3) At the request of a member or beneficiary who has been determined to have been paid amounts in excess of those to which he is entitled or at the request of a member who has been determined to owe funds to the retirement system, the board may waive repayment or recovery of such amounts provided that:

(i) the error in any benefit payment or amount contributed to the system persisted for a period in excess of one year;

(ii) the error was not the result of erroneous information provided by the member or beneficiary; and

(iii) the member or beneficiary did not have knowledge of the error or did not have reason to believe that the benefit amount or contribution rate was in error.

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(4) This paragraph shall apply to any demand made after January 1, 1995 for repayment of excess payment or amounts owed to a retirement system made by a retirement board.

**SECTION 92.** Subdivision (1) of section 26 of said chapter 32, as so appearing, is hereby amended by inserting after the introductory paragraph the following definition:

"Department", the department of state police.

**SECTION 93.** Said section 26 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:-

(5) (a) The commission shall require, after consultation with the rating board, any person retired for disability pursuant to the provisions of section 6, 7, or 26 who upon return to active service would so return in the position of a sworn member of the department of state police to participate in an evaluation to determine whether the member is able to perform the essential duties of the position from which he retired or a similar position within the department for which he is qualified without a medical or vocational rehabilitation program, or whether such member's return to his position or similar position within the department would likely be expedited by participation in a medical or vocational rehabilitation program.

Such evaluation shall occur once per year during the first two-year period next succeeding the date of his retirement, once in each three-year period thereafter, and at any time upon the written request by any such member; provided, however, that an initial evaluation shall occur as soon as possible after October 1, 1996 for any member who has been retired for more than two years and has not participated previously in such an evaluation. Such evaluations shall occur not more frequently than once in any 12 month period; provided, however, that the commission may excuse a member from such evaluation based on its determination that such evaluation is unwarranted due to the catastrophic nature of the member's illness or injury; and provided, further, that any member who has been retired for disability under the provisions of section 6, 7, or 26 for more than ten years and has during such time complied with the evaluation requirements under this paragraph shall not be required to participate in any further such evaluations.

Such evaluations shall include a medical examination for the purpose of assessing the total mental and physical condition of the member and one of the physicians to perform such medical examination shall be the state police surgeon.

If, following the evaluation, the commission determines that such retired member may benefit from such a rehabilitation program and that such a program is cost effective, the state board of retirement shall provide such rehabilitation program for such member and shall pay the costs of the program less any benefits payable under insurance policies of the member for such programs and less any scholarships or grants otherwise available for such programs. Such rehabilitation program shall include only such services as shall appear on a list of services approved by the commission. Any such member who is unreasonably denied access to such program may appeal such denial to the contributory retirement appeals board.

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If the retired member fails to complete the program without good cause, said member's rights in and to the pension provided for in section 6, 7 or 26 shall immediately be suspended. Said member may appeal his suspension to the contributory retirement appeals board.

Upon the completion of the rehabilitation program the rating board shall require the member to submit to a medical examination; provided, however, that if the board believes that an examination is unwarranted, the board shall file a statement of fact with the commission, stating the reasons why the examination is unwarranted. If the commission rejects this statement, the board shall conduct the examination.

The examination required pursuant to this section shall, at a minimum, determine the scope of the member's physical capabilities in light of the completed rehabilitation program and whether the member is able to perform the essential duties of his position or the essential duties of a similar position within the department given the member's condition. If such member shall fail to appear at any such required examination without good cause, all his rights in and to the retirement allowance provided for in section 6, 7 or 26 shall be terminated by the rating board; provided, however, that the member shall be given written notice and an opportunity to be heard prior to such termination. Said member may appeal such termination to the contributory retirement appeals board.

For the purpose of conducting a medical examination under this section, the commission may appoint either a single physician or a three-member panel to examine the retired member; provided, however, that the single physician shall be the state police surgeon or one of the three members of the medical panel to examine the member,

(b) If not more than two years immediately following the date on which a member is retired for disability under section 6, 7, or 26 who, upon return to active service in the same position, would so return in the position of a sworn member of the department of state police, a medical panel, following an examination conducted in accordance with paragraph (a), determines that such retired member is able to perform the essential duties of the position from which he retired or a similar position within the department for which he is qualified, as determined by the colonel, or so finds following the completion of a rehabilitation program required under paragraph (a), the rating board shall notify the public employee retirement administration commission and the colonel shall, subject to the provisions of section 24A of chapter 22C, return the member to such position and his disability retirement shall be revoked.

If the position shall pay less than the position from which such member shall have retired, such member shall be granted an amount from the department equal to the difference between the regular compensation of the position to which the member is restored and the regular compensation the member would have received had he been restored to the position from which he retired.

If more than two years immediately following the date on which a member is retired for disability under section 6, 7, or 26 who, upon return to active service, would so return in

the position of a sworn member of the department of state police, a medical panel, following an examination conducted in accordance with paragraph (a), determines that such retired member is able to perform the essential duties of any position within the department for which he is qualified, as determined by the colonel, or so finds following the completion of a rehabilitation program required under paragraph (a), the rating board shall notify the public employee retirement administration commission and the colonel and, subject to the provisions of section 24A of chapter 22C, the member shall be granted preference for the next available position for which he is so qualified and upon his return to active service his disability retirement shall be revoked.

If the position shall pay less than the position from which such member shall have retired, such member shall be granted an amount from the department equal to the difference between the regular compensation of the position to which the member is restored and the regular compensation the member would have received had he been restored to the position from which he retired.

(c) Upon return to active service, such member shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect. In addition, the member shall receive creditable service for the period during which he was retired provided, however, that as a condition to receiving creditable service for any such period the member shall be required to make contributions as though he was an active member serving in the position from which he retired during that period.

If the member is subsequently retired for disability pursuant to subdivision (2) due to the same condition or an aggravation of the same condition for which he had previously retired within one year immediately following the date on which he was first permitted to perform the functions of his position following his return to active service under paragraph (b) or if a criminal history inquiry or screening for controlled substances, as defined under section 1 of chapter 94C, reveals a disqualifying condition that arose prior to such return to active service, the retirement allowance paid to the member as a result of such subsequent retirement shall not exceed the amount of the retirement allowance paid to the member as a result of his previous retirement.

If a retired member of the department files for reinstatement after three years of separation from the department, the colonel shall have discretion to determine the terms and conditions of such member's eligibility for promotional examinations, seniority in rank, and longevity for purposes of promotion.

The colonel may promulgate rules and regulations to effectuate the purpose of this section.

(d) Nothing in this subdivision shall excuse an employer or a member returned to work under the provisions of this section from compliance with the provisions of section 103 of chapter 93.



(e) If as a result of a medical report by a medical panel convened pursuant to the provisions of paragraph (a), as a result of the submission of earnings information under section 91A, or as the result of the completion of a rehabilitation program as provided for under paragraph (a), or under subdivision (5) of section 21, the commission finds that such retired member is engaged or is able to engage in gainful occupation and that the annual rate of his actual or potential earnings is less than his regular compensation as defined in this subdivision, but is more than the difference between such regular compensation plus the sum of \$5,000, and the normal yearly amount of his pension, then the yearly amount of his pension shall be reduced, and if his actual or potential earnings are more than such regular compensation, his pension shall be suspended.

Notwithstanding any other provisions of this section, if such member submits earnings information pursuant to section 91A, indicating earnings in excess of regular compensation, as herein described, such member's pension shall be reduced as provided for in this paragraph and shall not be increased for a period of one year unless such medical report finds that the mental or physical condition of such member has deteriorated. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further modified by reinstating, increasing, reducing, or suspending it, as the case may be.

For purposes of this paragraph, regular compensation means, subject to further definition by regulations of the public employee retirement administration commission, regular compensation which would have been payable during the preceding year had the member continued in service in the grade held by him at the time he was retired. The public employee retirement administration commission shall, subject to the provisions of section 50 of chapter 7, promulgate regulations establishing, and providing a system for annually adjusting for inflation and such other equitable factors as the commission deems relevant, the fair amount of outside income that may be earned by a member retired pursuant to section 6, 7, or 26 and shall promulgate regulations for the determination of the potential earnings of any such retired member based upon such member's functional capacity, age, education, experience and, if applicable, the denial of placement under paragraph (b) and the reason therefor.

The member shall be given written notice and an opportunity to be heard prior to any such modification and any such modification may be appealed by the member to the contributory retirement appeals board.

**SECTION 94.** Section 28K of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

An employee who fulfills the requirements of the preceding paragraph shall be credited with creditable service for any period after January 1, 1975 and shall contribute to the retirement fund an amount which he would have contributed had such employee remained in the service of the commonwealth or a political subdivisions thereof, together with regular interest thereon, under the terms and conditions defined by the retirement system of which he is a member. This paragraph shall take effect for the members of a retirement

system by majority vote of the board of such system, subject to the approval of the legislative body. For the purposes of this section, "legislative body" shall mean the town meeting for the purposes of a town system, the city council subject to the provisions of its charter in a city system, the district meeting in a district system, the county commissioners in a county system and the governing body of an authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commission.

**SECTION 95.** Section 90A of said chapter 32, as so appearing, is hereby amended by inserting after the word "officer", in line 15, the following words:- , or state police officer who retired prior to July 1, 1992,.

**SECTION 96.** Said chapter 32, as so appearing, is hereby further amended by inserting after section 90C½ the following section:-

Section 90C¾. A former state police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement.

**SECTION 97.** The first paragraph of section 100 of said chapter 32, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 98.** Said section 100 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 25, the words "or remarriage".

**SECTION 99.** Said section 100 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 31 and 32, the words "or remarriage".

**SECTION 100.** Section 101 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words ", for as long as she remains unremarried".

**SECTION 101.** Section 103 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 103, the words "the provisions of paragraph (c)" and inserting place thereof the following words:- this section.

**SECTION 102.** Section 18 of chapter 34B of the General Laws is hereby amended by inserting after the second paragraph the following paragraph:-

Notwithstanding the provisions of this section to the contrary, the employees of the Essex Independent Agricultural and Technical Institute shall be members of the Essex Regional Retirement System. Said system shall retain all liability attributable to such employees for creditable service earned as employees of Essex County. The Essex Independent Agricultural and Technical Institute shall be a member unit of said regional system and shall make any payments required pursuant to chapter 32. Should said Essex Independent Agricultural and Technical Institute be abolished, the successor agency, or in the absence of a successor agency, the commonwealth, shall become responsible for any unfunded liability attributable to employees of said institute.

**SECTION 103.** Section 17 of chapter 37 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The salaries of the sheriffs of the counties of Bristol, Plymouth and Suffolk and of the former counties of Essex, Hampden, Middlesex and Worcester shall be a sum equivalent to 95 per cent of the salary of an associate justice of the superior court. The salaries of the sheriffs of the counties of Barnstable and Norfolk and of the former counties of Berkshire and Hampshire shall be a sum equivalent to 90 per cent of the salary of an associate justice of the superior court. The salaries of the sheriffs of the counties of Dukes County and Nantucket and the salary of the sheriff of the former county of Franklin shall be a sum equivalent to 75 per cent of the salary of an associate justice of the superior court.

**SECTION 104.** The second paragraph of section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by adding the following sentence:- For the purposes of this chapter, the term public service corporation shall not include commercial mobile radio service providers.

**SECTION 105.** Chapter 51 of the General Laws, is hereby amended by striking out section 4, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 4. Registrars, assistant registrars, or boards having similar duties under any special or general law, except in the city of Boston, shall annually in January or February visit or communicate with the residents of every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, date of birth, occupation, veteran status, nationality if not a citizen of the United States, and residence on January first in the preceding year and in the current year, of every person three years of age or older residing in their respective cities and towns. The police department of the city or town shall, upon request, have access to said lists. A list of all persons 3 to 21, inclusive, years of age shall be transmitted by the board of registrars to their respective school committee not later than April first in each year. Said list shall contain the name, residence and age or date of birth of each such person; provided, however, that the names of persons 3 to 16, inclusive, years of age, shall not be disclosed to any person other than their respective school committee or boards of trustees of county agricultural schools or police department; and provided, further, that the name and address of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter, or an affidavit signed by a chief of police or his designee that said person is entitled to have certain information withheld from the public under section 24C of chapter 265, shall not appear on the street list and such names shall not be disclosed to any person. That proportion of any expenses incurred by the registrars under this section, equal to the proportion that the number of persons under 17 years of age bears to the total number of persons listed thereunder, shall be carried as an item in the school committee budget.



In the city of Boston, the registrars, assistant registrars, or boards having similar duties under any special or general law shall annually in January or February visit or communicate with the residents of every building in said city and after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, date of birth, occupation, veteran status, nationality if not a citizen of the United States, and residence on January 1 in the preceding year and in the current year, of every person 17 years of age or older, residing in said city. The police department of the city of Boston shall, upon request, have access to said lists.

In any city or town which communicates with residents by mail for the purpose of obtaining such information, the communication shall state in boldface type on the postcard, envelope and printed material contained in such communication the following statement: "Warning -- failure to respond to this mailing shall result in removal from the active voting list and may result in removal from the voter registration rolls.". Registrars, assistant registrars or boards in such cities or towns communicating with residents by mail for the purpose of obtaining such information may require a response under the penalties of perjury.

**SECTION 106.** Section 47C of said chapter 51, as so appearing, is hereby amended by inserting after the word "occupation", in line 5, the following words:- , veteran status.

**SECTION 107.** Said section 47C of said chapter 51, as so appearing, is hereby further amended by inserting, after the word "commissioner", in lines 12 and 13, the following words:- , adjutant general.

**SECTION 108.** Section 9 of chapter 55 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds \$50 except by a written instrument or by direct deposit in accordance with section 9A. For the purposes of the preceding sentence the term "written instrument" shall mean a check on which the contributor is directly liable or which is written on a personal, escrow, trust, partnership, business or other account which represents or contains the contributor's funds. The term "written instrument" shall also mean for contributions by credit card, a paper record signed by the cardholder or, in the case of such contribution made over the Internet, an electronic record created and transmitted by the cardholder. The term "written instrument" shall not mean a certified check, cashier's check, treasurer's check, registered check, money order, traveler's check or other similar negotiable instrument. The director shall establish reasonable rules and regulations concerning the making of contributions by a written instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding \$50 except by check or by credit card in accordance with the following paragraph.



**SECTION 109.** Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in lines 494 and 495, the words "and in clauses Twenty-second A, Twenty-second B, Twenty-second C and Twenty-second E".

**SECTION 110.** The first paragraph of clause Twenty-second A of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

**SECTION 111.** The first paragraph of clause Twenty-second B of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran, as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

**SECTION 112.** The first paragraph of clause Twenty-second C of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such a disabled veteran, as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

**SECTION 113.** The first paragraph of clause Twenty-second E of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following sentence:- An exemption under this clause shall continue unchanged for the benefit of the surviving spouse after the death of such disabled veteran as long as the surviving spouse of the qualified veteran shall remain an owner and occupant of a domicile subject to the exemption.

**SECTION 114.** Said section 5 of said chapter 59, as so appearing, is hereby further amended by adding the following clause:-

Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body.

**SECTION 115.** Section 5I of said chapter 59, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "deputy director of the division of employment and training" and inserting in place thereof the following words:- director of labor and workforce development or, where the business is a sole proprietorship or partnership not subject to the provisions of chapter 151A, as determined by the assessors.

**SECTION 116.** Said section 5I of said chapter 59, as so appearing, is hereby further amended by adding the following two paragraphs:-

In cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such commercial exemption may apply for such commercial exemption to the assessors, in writing, on a form approved by the commissioner within three months after the date on which the bill or notice of assessment was sent.

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A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section 59.

**SECTION 117.** Section 3A of chapter 60 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "residential", in line 27, the following words:- or commercial.

**SECTION 118.** Section 79 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the words "five thousand dollars" and inserting in place thereof the following figure:- \$10,000.

**SECTION 119.** Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as amended by section 68 of chapter 127 of the acts of 1999, is hereby amended by adding the following subparagraph:-

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer for the taxable year under section 170 of the Code. All requirements, conditions and limitations imposed upon charitable contributions under the Code shall apply for purposes of determining the amount of the deduction hereunder except that a taxpayer shall not be required to itemize his or her deductions in his or her federal income tax return.

**SECTION 120.** Subsection (j) of section 6 of said chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) A taxpayer who commences and diligently pursues an environmental response action within five years from the effective date of this section and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2007 for any property it owns or leases for business purposes and which is located within an economically distressed area as defined in section 2 of chapter 21E. Such costs shall be not less than 15 per cent of the assessed value of the property prior to remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in the Massachusetts Contingency Plan at 310 CMR 40.00, as amended.

**SECTION 121.** Said subsection (j) of said section 6 of said chapter 62, as so appearing is hereby further amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

(4) For the purposes of this section, net response and removal costs shall be expenses paid by the taxpayer for the purpose of achieving a permanent solution or remedy operation status in compliance with chapter 21E. No credit shall be allowed under this section for the amount of state financial assistance received from the Redevelopment Access to Capital program established pursuant to section 60 of chapter 23A or from the Brownfields Redevelopment Fund, established in section 29A of chapter 23G. For the purposes of the Redevelopment Access to Capital program, the amount of state financial assistance shall be calculated as the amount of state funds paid on behalf of the borrower for participation in the program and not the amount of the loan guaranteed but, if the loan guarantee is invoked, any credit taken for the amount of the loan shall be added back as taxes due in the year the loan is paid.

**SECTION 122.** Paragraph (c) of section 8 of said chapter 62, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- In the case of a corporate trust doing business both within and outside of the commonwealth and subject to tax under this section, dividends received by shareholders who are Massachusetts residents shall be deemed to have been made from tax-free earnings and profits to the extent that the earnings and profits of the trust are not apportioned to the commonwealth and subject to tax under paragraph (a) but such shareholders shall be entitled to credit for income taxes paid to other jurisdictions on such earnings and profits, either by the shareholders or by the corporate trust, as provided under subsection (a) of section 6.

**SECTION 123.** Said paragraph (c) of said section 8 of said chapter 62, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Dividends on shares of any corporate trust subject to taxation under this chapter and which is a federal S corporation shall also be exempt from taxation in the manner described above.

**SECTION 124.** Section 38Q of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A domestic or foreign corporation or limited liability corporation which commences and diligently pursues an environmental response action within 5 years from the effective date of this section and which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2007 for any property it owns or leases for business purposes and which is located within an economically



distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be no less than 15 per cent of the assessed value of the property prior to remediation provided further that the site was reported to the department of environmental protection; and provided further, that a credit of 50 per cent of such costs shall be allowed for any such corporation which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan provided in 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a domestic or foreign corporation, or limited liability corporation that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

**SECTION 125.** Said section 38Q of said chapter 63, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) For the purposes of this section, net response and removal costs shall be expenses paid by the taxpayer for the purposes of achieving a permanent solution or remedy operation status in compliance with chapter 21E; provided, however that no credit shall be allowed under this section for the amount of state financial assistance received from the Redevelopment Access to Capital Program established pursuant to section 60 of chapter 23A, or from the Brownfields Redevelopment Fund, established pursuant to section 29A of chapter 23G of the General Laws. For the purpose of the redevelopment access to capital program, the amount of state financial assistance shall be calculated as the amount of state funds paid on behalf of the borrower for participation in the program, and not the amount of the loan guaranteed. In the event the loan guarantee is invoked, any credit taken for the amount of the loan shall be added back as taxes due in the year the loan is paid.

**SECTION 126.** Section 1 of chapter 64A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 70 to 73, inclusive, the words "nineteen and one-tenth per cent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be less than twenty-one cents per gallon" and inserting in place thereof the following words:- shall be 21 cents per gallon.

**SECTION 127.** Chapter 64D of the General Laws is hereby amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. There shall be established upon the books of each county that has not been abolished pursuant to the provisions of chapter 34B a separate fund, maintained separate and apart from all other funds and accounts of each county, to be known in each case as the Deed's Excise Fund.

Notwithstanding the provisions of any general or special law and of this chapter to the contrary, and except for Barnstable county and all counties that have been abolished pur-



suant to the provisions of chapter 34B or other applicable provision of law, on the first day of each month, 42.5 per cent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the Deed's Excise Fund for each county. For Barnstable county, on the first day of each month, 28.33 per cent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of section 2 of chapter 163 of the acts of 1988, shall be transmitted to the Deed's Excise Fund. Notwithstanding the provisions of any general or special law and of this chapter to the contrary, and except for Barnstable county and all counties that have been abolished pursuant to the provisions of chapter 34B or other applicable provision of law, on the first day of each month, 7.5 per cent of the taxes collected pursuant to the provisions of this chapter shall be transmitted to the County Correction Fund established in section 13. For Barnstable county, on the first day of each month, 5 per cent of the taxes collected pursuant to the provisions of this chapter, but not including the additional excise authorized under the provisions of said section 2 of said chapter 163, shall be transmitted to said County Correction Fund. The remaining percentage of taxes collected under the provisions of this chapter, including all taxes collected under the provisions of this chapter in all counties that have been abolished pursuant to the provisions of chapter 34B or other applicable provision of law shall be transmitted to and retained by the general fund in accordance with the provisions of section 10.

**SECTION 128.** Section 13 of said chapter 64D, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

There is hereby established on the books of the commonwealth a separate fund, to be known as the County Correction Fund. Said fund shall be maintained separate and apart from all other funds and accounts of the commonwealth. Moneys from said fund shall be used solely for the operation and maintenance of any jail or house of correction in any county that has not been abolished pursuant to the provisions of chapter 34B or other applicable provision of law, including other statutorily authorized facilities and functions of the office of the sheriff of any such county and programs to reduce overcrowding in the jails and houses of correction of any such county.

In order to obtain money from said fund, the sheriff of a county that has not been abolished pursuant to the provisions of chapter 34B or other applicable provision of law, shall make application to the county government finance review board on a form prescribed by the secretary of administration and finance. Each such request shall be accompanied by copies of the budget for any jail or house of correction in such county for the current fiscal year and the previous fiscal year. The sheriff shall submit such other information and documentation as the board may require. The board shall review all of the information provided by a county sheriff and make a determination as to the amount of money, if any, which shall be given to the applicant from the fund, before any funds are given to the applicant notification shall be provided to the house and senate committees on ways and means.

**SECTION 129.** Section 4 of chapter 64E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Notwithstanding the foregoing, the tax per gallon payable upon each gallon of liquified gas shall be separately determined by the commissioner, utilizing the same procedures as those used for fuel under chapter 64A, at a rate of 19.1 per cent of the average price computed to the nearest tenth of one per cent per gallon and such tax per gallon as so determined shall apply to each gallon of liquified gas sold or used by a licensee in the commonwealth during the calendar month covered by the return.

**SECTION 130.** Section 3 of chapter 64H of the General Laws, as so appearing, is hereby amended by inserting after subsection (a) the following subsection:-

(b) Any purchaser who operates a business and who acquires tangible personal property or services may apply to the commissioner for a direct payment permit. The commissioner, in his discretion, may issue a direct payment permit to the purchaser. A direct payment permit shall provide that no vendor making a sale to the permit holder shall be required to collect the sales or use tax otherwise payable on such sale and that the permit holder shall report, on such form as the commissioner shall designate, and pay directly to the commissioner the sales or use tax due on any tangible personal property or services acquired by him.

The use of a direct payment permit shall not affect the amount of sale or use tax due with regard to any transaction, but liability for payment of the sales or use tax shall be placed on the purchaser rather than on the vendor.

A direct payment permit shall be in a form prescribed by the commissioner and shall bear an identifying registration number, an issue date, an expiration date and a list of the types of transactions for which the permit cannot be used. The use of a direct payment permit shall be subject to such conditions as the commissioner shall determine to be appropriate, but such use shall not include purchases of motor vehicles or purchases of a personal nature. The commissioner shall issue regulations on the use of direct payment permits and such regulations may include, but shall not be limited to, requirements for the permit holder's duties to vendors, posting bond, monthly reporting and payment of tax, recordkeeping and periodic renewal of the direct payment permit.

The direct payment permit may be revoked by the commissioner at any time with the provision of 30 days' written notice and shall be revoked without notice if the commissioner determines that the collection of any tax due from the permit holder is in jeopardy. Any person whose direct payment permit is either voluntarily forfeited or canceled by action of the commissioner shall return the permit to the commissioner and immediately notify all vendors from whom purchases of taxable items are made advising them that such person's direct payment permit is no longer valid.

A person who fails to give notification shall be fined \$1,000 per vendor to which notification was required to have been given. A direct payment permit shall not be transfer-

able and the use of a direct payment permit shall not be assigned to a third party. The acceptance in good faith by any vendor of a certificate from a permit holder to the effect that he is in possession of a valid direct payment permit shall relieve such vendor of any obligation to collect the tax from the permit holder. Such certificate shall be in a form prescribed by the commissioner and shall be signed by and bear the name and address and registration number of the permit holder, as well as the permit's issue date, expiration date and list of prohibited transactions.

**SECTION 131.** Section 6 of chapter 64H of the General Laws, as amended by section 92 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:-

(ss) Sales of machinery and equipment, if its operation, function or purpose is an integral or essential part of a continuous production flow or process of manufacturing printed material to be sold and such machinery and equipment is used exclusively for that purpose; and sales of prepress items which are used exclusively as part of a continuous production flow or process of manufacturing printed material to be sold.

**SECTION 132.** Section 34 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such claims for reimbursement, covering the amount of the excise paid on accounts determined to be worthless in the vendor's prior fiscal year, shall be filed on or before the due date, including extensions, of the federal income tax return or annual federal filing in the case of an exempt organization for such prior fiscal year.

**SECTION 133.** Subsection (d) of section 10 of chapter 66 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last paragraph and inserting in its place the following paragraph:-

The home address and home telephone number of law enforcement, judicial, prosecutorial, department of youth services, department of social services, department of correction and any other public safety and criminal justice system personnel shall not be public records in the custody of the employers of such personnel or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed, but such information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180 or to a criminal justice agency as defined in section 167 of chapter 6. The name and home address and telephone number of a family member of any such personnel shall not be public records in the custody of the employers of the foregoing persons or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed. The home address and telephone number or place of employment or education of victims of adjudicated crimes and of persons providing or training in family planning services and the name and home address and telephone number, or place of employment or education of a family member of any of the foregoing shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed.



**SECTION 134.** Section 1 of chapter 69 of the General Laws, as so appearing, is hereby amended by inserting after the word "children", in line 3, the following words:- , including a school age child with a disability as defined in section 1 of chapter 71B.

**SECTION 135.** Section 1A of said chapter 69, as so appearing, is hereby amended by inserting after the seventh paragraph the following four paragraphs:-

The commissioner shall provide guidelines and ongoing training for school districts and charter schools in order to ensure the quality of student evaluations conducted pursuant to the provisions of section 3 of chapter 71B.

The commissioner shall monitor the implementation of independent evaluations of students with disabilities.

The commissioner shall assess the effectiveness of special education programs developed by school districts and charter schools pursuant to chapter 71B and shall supervise and monitor on an on-going basis: (i) the compliance of school districts and charter schools in adhering to the standards for evaluating students pursuant to the provisions of said chapter 71B; (ii) the compliance of school districts and charter schools in fully implementing the educational program recommendations required by individual educational plans of students with disabilities; (iii) the educational results of services provided by school districts and charter schools pursuant to the provisions of said chapter 71B; (iv) the collection and analysis of data reported by school districts and charter schools regarding educational programs offered pursuant to the provisions of said chapter 71B.

The commissioner shall collect and analyze data reported by school districts regarding educational programs offered pursuant to the provisions of chapter 71A.

**SECTION 136.** Section 1B of said chapter 69, as so appearing, is hereby amended by inserting after the word "trust", in line 71, the following words:- and such guidelines shall, where appropriate, give preference to school districts and educational collaboratives, provided said school districts and educational collaboratives are developing programs to educate children with disabilities together with children without disabilities in programs located in regular education school buildings which are chronologically age-appropriate, as an incentive for the formation of inclusive educational programs.

**SECTION 137.** Section 1I of said chapter 69, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

Each school district in which more than 20 per cent of the students score below level two on the Massachusetts Comprehensive Assessment System exam, in this paragraph called MCAS, shall submit an MCAS success plan to the department. The plan shall describe the school district's strategies for helping each student to master the skills, competencies and knowledge required for the competency determination described in subparagraph (i) of the fourth paragraph of section 1D. The department shall determine the elements that shall be required to be included in such plan. These elements may include, but are not limited to, the following: (a) a plan to assess each student's strengths, weaknesses and needs; (b) a plan to use summer school, after school and other additional support to provide each child with the assistance needed; and (c) a plan for involving the parents of students as described in said



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subparagraph (i) of said fourth paragraph of said section 1D. The department shall examine each district's plan and determine if it has a reasonable prospect of significantly reducing the school district's failure rates. The department shall coordinate oversight of the MCAS success plans with existing audit and oversight functions and with the MCAS grant program.

**SECTION 138.** Said section 1I of said chapter 69, as so appearing, is hereby further amended by inserting after the eighth paragraph the following two paragraphs:-

Each school district and charter school shall file an annual report for the current school year regarding implementation of chapter 71B with the department every November 1 first in a format determined by the board. The report shall include, but not be limited to, the following:-

(a) the number of children receiving services pursuant to said chapter 71B within each disability category as set forth in section 1 of said chapter 71B;

(b) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a publicly operated day school program;

(c) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private day setting;

(d) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private residential setting;

(e) the number of children who remain in the regular education program full time; the number of children who are removed from the regular classroom for up to 25 per cent of the day; the number of children who are removed from the regular classroom between 25 and 60 per cent of the day;

(f) the number of children who are placed in substantially separate classrooms on a regular education school site;

(g) the number of children, ages three and four, who are educated in integrated and separate classrooms; and the assignment by sex, national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level; and

(h) the number of children, by grade level, receiving special education services who have limited English proficiency.

Each school district and charter school shall furnish in a timely manner such additional information as the department shall request.

**SECTION 139.** Chapter 70 of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. There is hereby established a foundation budget review commission to review the way in which foundation budgets are calculated and to make recommendations

to the general court regarding such changes in the formula as may be appropriate. In conducting such review, the commission shall seek to determine the educational programs and services needed to prepare students to achieve passing scores on the Massachusetts Comprehensive Assessment System. The commission shall examine the assumed percentage for special education costs included in such formula and shall make recommendations regarding changes in such percentage or other mechanisms to finance special education costs including, but not limited to, reimbursement programs or phased-in, standards-based funding programs that increase the state contribution to such costs over a fixed period of years. The commission shall include the house and senate chairs of the joint committee on education, arts and humanities, who shall serve as co-chairs, the commissioner of education, the chair of the education reform review commission, the speaker of the house of representatives or his designee, the president of the senate or his designee, the minority leader of the house of representatives or his designee, the minority leader of the senate or his designee, the governor or his designee, the chair of the house committee on ways and means or his designee, the chair of the senate committee on ways and means or his designee and one member to be appointed by each of the following organizations: the Massachusetts Municipal Association, the Massachusetts Business Alliance for Education, the Massachusetts Association of School Committees, the Massachusetts Superintendents Association, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the League of Women Voters of Massachusetts, the Massachusetts Association for Vocational Administrators and the Massachusetts Association of Regional Schools. Members shall receive no compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The department shall furnish reasonable staff and other support for the work of the commission.

The commission shall conduct not fewer than four hearings to receive testimony from members of the public. The hearings shall be held in locations that provide opportunities for residents from all geographic regions of the commonwealth to testify.

It shall not constitute a violation of chapter 268A for a person employed by a school district to serve on the commission or to participate in commission deliberations that may have a financial impact on the district employing such person or on the rate at which such person may be compensated. The commission may establish procedures to ensure that no such person participates in commission deliberations that may directly affect the school districts employing such persons or that may directly affect the rate at which such persons are compensated.

The commission's recommendations, together with any proposed legislation, shall be filed not later than September 30 of each even-numbered year with the clerks of the senate and house of representatives who shall refer such recommendations to the appropriate committee of the general court. Within 30 days after such filing, the committee shall hold a public hearing on the recommendations.

**SECTION 140.** The General Laws are hereby further amended by inserting after chapter 70A the following chapter:-

**CHAPTER 70B.  
SCHOOL BUILDING ASSISTANCE PROGRAM.**

Section 1. Whereas the school building assistance program is the largest capital grant program operated by the commonwealth and is necessary for the establishment of public school buildings in the commonwealth; and whereas the costs of the school building assistance program are increasing at an unsustainable rate and local governments need flexibility in school building assistance to ensure that local needs for school facility space, downtown development, open space and community space are met; and to promote the thoughtful planning and construction of school facility space in order to insure safe and adequate plant facilities for the public schools, and to assist towns in meeting the cost thereof, there is hereby established within the department of education a school building assistance program.

Section 2. For the purposes of this chapter, the following words shall have the following meanings:-

"Advisory board", the school building advisory board.

"Alternatives to construction", approved school facilities projects that do not include capital construction, major reconstruction or building renovation, but no alternative project shall be reimbursed if it is determined by the board to be more costly than construction necessary to achieve the same end.

"Approved school project", any capital construction or major reconstruction; lease of buildings or modular facilities; arrangements with higher education facilities or other nonprofit or municipal entities; year-round schooling to prevent overcrowding; use of swing space between school buildings in the district; tuition arrangements with other school districts to prevent overcrowding, provided, however, that the cost of tuition arrangements in existence prior to project application shall not be eligible for reimbursement as an approved school project; or other school facilities project as may be approved by the board, which: (a) is determined by the board to be necessary to meet educational standards, as promulgated by the board, for anticipated enrollment levels, and (b) conforms to the following provisions: that each capital construction or renovation component of said project has an expected useful life, as determined by the board, of at least seven years and also of at least the period for which any debt obligations undertaken to finance said project will remain outstanding. An approved school project shall not include a project in a school that has had a project approved pursuant to this chapter or to chapter 645 of the acts of 1948, within ten years before the project application date or project commencement, whichever is earlier, unless such previously approved project was a major reconstruction project or unless the board determines that the requested school project is unrelated to such previously approved projects in the same school.

"Assisted facility", a school facility that has received a total facilities grant pursuant to this chapter.



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"Board of education" or "board", the board of education established by section 1E of chapter 15.

"Capital construction project", any capital project, other than a major reconstruction project, for the construction, the enlargement or original equipping of any public schoolhouse in any city or town, or a project for the renovation or partial renovation of an existing structure for use as a schoolhouse; or the renovation or partial renovation of an existing schoolhouse.

"Commissioner", the commissioner of education or his designee.

"Construction manager", construction manager as defined by section 38A½ of chapter 7.

"Eligible applicant", a city, town, regional school district or independent agricultural and technical school.

"Energy efficient construction rating", rating given to eligible applicants by the board based upon a determination that the construction techniques of an approved school project meet or exceed energy efficiency standards established by the board of building regulations and the National Institute of Standards and Technology and which meet the purposes of subsection (c) of section 4E of chapter 40J.

"Innovative community use", approved school facilities projects that combine community resources to streamline the costs of and utilize other funding sources for the facilities project.

"Maintenance rating", rating given to schools and school districts by the board, based on a maintenance assessment conducted by the board.

"Major reconstruction project", any capital school facilities or extraordinary maintenance project including, but not limited to, the replacement of a roof or heating plant if it is determined by the board that such project has not been necessitated, in whole or in part, by the failure of an eligible applicant to make adequate and prudent provisions for the care and maintenance of said school.

"Nonstate fundraising", third party monies made available to the eligible applicant for approved school facilities projects including, but not limited to, private donations and federal grants.

"Project manager", a person designated or assigned by an eligible applicant, and approved by the board, to manage and coordinate daily administration of a school facility or building project to completion including, but not limited to, school district or municipal staff person or a volunteer with appropriate experience and expertise.

"Prototypical school plans", school building project architectural designs and plans collected and maintained by the board for consultation by eligible applicants.

"Regional school", any public school established under law by the action of two or more cities or towns. For the purposes of this chapter, the agricultural schools maintained by the counties of Bristol and Norfolk shall be deemed to be regional schools.

"Regional school district", any instrumentality of the commonwealth, established by two or more cities and towns for the purpose of operating a regional school.



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"Total facilities grant", the grant representing the commonwealth's total contribution to an approved school project and which is calculated as follows: In the case of a grant for an approved project of a city or town, the total facilities grant shall be the product of multiplying the final approved costs of such project, including costs referred to in section 4, by the reimbursement percentage determined pursuant to section 10 for the year in which the project is approved.

(1) In the case of a grant for an approved project of a regional school district or a county, the total facilities grant shall be the sum of the grants computed separately for each city and town which is a member of said regional school district or located in said county as hereinafter provided. For purposes of this computation, each member city's and town's share of the combined grant shall be equal to the total approved project cost, including costs referred to in section 4, multiplied by the product of the reimbursement percentage listed in subsection (a) of section 10, multiplied by the percentage of district or county capital costs that would be apportioned to such city or town in accordance with the applicable regional school district agreement or law for capital costs incurred in the fiscal year in which the grant is approved. The amount of the total capital costs apportioned to a member city or town in any fiscal year on account of an approved school project of a regional school or county, determined in accordance with the applicable regional school district agreement or law, shall be reduced by an amount equal to the amount of the grant payable on account of such project in such fiscal year multiplied by a fraction the numerator of which is the city's or town's reimbursement percentage, determined as aforesaid, multiplied by the percentage of capital costs apportioned to the city or town for such fiscal year in accordance with the applicable regional school district agreement or law and the denominator of which is the sum of the percentages so derived as the numerators for all of the member cities and towns.

(2) In the case of a grant for an approved project of an independent agricultural and technical school, the total facilities grant shall be the sum of the grants computed separately for each city and town in which students of said school reside averaged by means of a weighted average multiplied by the final approved costs.

Section 3. There is hereby established, within the department of education, a school building assistance program. The purpose of said program is generally to encourage and foster the thoughtful establishment and maintenance of school facility space in and among the cities and towns of the commonwealth; to conduct surveys and studies relative thereto; and to administer the provisions of this chapter relative to grants to cities and towns for the planning and construction of school building and school facility projects.

The board, shall establish general policy and review standards regarding school building construction, renovation, maintenance and facility space, administer the school building assistance program in accordance with this chapter and coordinate the distribution of school facilities grants in accordance with this chapter. The board shall be responsible for the oversight and management of the school building assistance program as established herein and referred to hereafter as the "program". In carrying out its duties, the board shall be guided by the following principles: preservation of open space and minimization of loss

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of such open space; emphasis on thoughtful community development; and project flexibility that addresses the needs of individual communities and municipalities.

Specific powers of the board shall include, but not be limited to, the following:

(a) review, approve or deny grant applications, waivers and other requests submitted to the program; review, approve and recommend changes to grant payment schedules or suspend said schedules for program projects such as refinancings, audit findings and such other circumstances that may warrant such action;

(b) provide architectural or other technical advice and assistance, training and education, to cities and towns or to joint committees thereof and to general contractors, subcontractors, construction or project managers, designers and others in the planning, maintenance and establishment of school facility space;

(c) recommend to the general court such legislation as it may deem desirable or necessary to further the purposes of this chapter;

(d) develop a formal enrollment projection model or consider using projection models already available;

(e) receive gifts and grants;

(f) enter into contracts;

(g) receive, distribute and expend state and federal funds subject to appropriations;

(h) develop a project priority system;

(i) collect and maintain a clearinghouse of prototypical school plans which may be consulted by eligible applicants;

(j) determine eligibility of cost components of projects for reimbursement, including partial or full eligibility for project components for which the benefit is shared between the school and other municipal entities;

(k) establish appropriate rules and regulations as may be necessary to carry out the purposes of this chapter;

(l) prepare an annual budget for the administration of the program;

(m) collect and maintain data on all the public school facilities in the commonwealth, including information on size, usage, enrollment, available facility space and maintenance; and

(n) do all things necessary or convenient to carry out the purposes of this chapter.

The board may, subject to appropriation, employ such assistants, experts, clerks and other employees as it may deem necessary to carry out the provisions of this chapter.

Section 3A. There is hereby established a school building advisory board which shall be comprised of the following members or their designees: the state treasurer; the auditor of the commonwealth; the secretary for administration and finance; the commissioner of capital asset management and maintenance; the deputy commissioner of revenue responsible for the division of local services; the secretary of environmental affairs; the director of housing and community development; the commissioner of public health and one member appointed by the governor from a list of candidates submitted by the Massachusetts Association of School Committees.

The advisory board shall assist the board of education in the development of general policy regarding school building construction, renovation, reconstruction, maintenance and facility space and provide technical advice and input to the board on matters relating to school building construction, renovation, reconstruction, maintenance and facility space. Said advisory board shall review and comment upon pending applications and ongoing approved projects.

Section 4. Any eligible applicant may apply to the board for reimbursement, in whole or in part, of any expenses incurred for educational, engineering and architectural services incidental to the planning of a regional school or any expenses incurred for surveys made of school building needs and conditions, the contract for which has been approved by the board. Such application shall be accompanied by information and documentation that the board may require. The board may, if the expenses so incurred are reasonable, certify to the comptroller for payment to such eligible applicant such amount, not exceeding such expenses, as it may deem proper, and the state treasurer shall forthwith make the payments so certified from any funds appropriated therefor.

Section 5. (a) Any eligible applicant may apply to the board for a school facilities grant to meet in part the cost of an approved school project. Such cost shall include the entire interest paid or payable by such city, town or regional school district on any bonds or notes issued to finance such project, as well as any premiums, fees or charges for credit or liquidity enhancement facilities or services issued or rendered to any such city, town or regional school district. Such costs shall also include all costs and legal fees to enforce rights on any contracts for the construction of an approved school project. Such application shall be in the form prescribed by the board and shall be accompanied or supplemented by drawings, plans, estimates of cost and proposals for defraying such costs or any such additional information as the board may require, before construction is undertaken. Notwithstanding any provision of this chapter to the contrary, in the event that an eligible applicant undertakes construction before approval is obtained, said eligible applicant shall remain subject to the board's approval process as if such construction were not undertaken. Notwithstanding the provisions of section 11 and in the event that the board approves a capital construction project on which construction is undertaken prior to board approval, payments for said project shall begin in the fiscal year next following the fiscal year in which the project receives board approval.

(b) Any eligible applicant who is eligible for aid under the provisions of this chapter and establishes extended courses of instruction in a vocational school, as provided in section 37A of chapter 74, and wishes to enlarge or construct a school for the purpose of maintaining such extended courses of instruction on a technical institute level shall be eligible for financial assistance in the construction or enlargement of such school in the manner and to the extent provided by this chapter.

(c) A project shall become an approved school project, upon approval of the board in accordance with the provisions of this chapter. Board approval shall be contingent upon certification by the commissioner of education that adequate provisions have been made for



children with disabilities, as defined in section 1 of chapter 71B, and, in the case of elementary facilities, that adequate provisions consistent with local policy have been made for all-day kindergarten, pre-kindergarten classes and for extended day programs, provided, however, that no district shall be required to adopt such classes or programs.

Section 6. (a) Upon receipt of an application under the provisions of section 5, the board shall examine forthwith such application and any facts, estimates or other information relative thereto, and shall determine whether the proposed project is in the best interests of the commonwealth and the eligible applicant, with respect to its site, type of construction, sufficiency of accommodations, open space preservation, urban development, urban sprawl and otherwise. In determining whether the proposed project is in the best interests of the commonwealth, the board shall consider the availability of funds under section 7, the order of priorities under section 8 and the construction procedures and standards under section 9. If, in its opinion, such proposed project should be undertaken, the board shall determine the estimated approved cost of such project, which cost may be equal to the estimated cost furnished by such eligible applicant or a lesser amount, and compute the amount estimated of facilities grant to which the applicant would be entitled under section 10, such computation being based on said approved cost.

(b) Within a reasonable time after receipt of such application the board shall notify such applicant of its approval or rejection therefor, and, in the event of its rejection, of the reasons therefor. Notice of approval hereunder shall be accompanied by a statement of the estimated approved cost as determined by the board, and an estimate of the amount of total facilities grant to which such eligible applicant may be entitled under the provisions of said section 10.

(c) The final approved cost shall be determined by the board within a reasonable time after the acceptance of the completed project by the local school committee.

(d) Payments shall be determined based on the final approved cost.

(e) Any city or town which has received, in accordance with the provisions of this section, notice of approval and an estimate of the amount of school facilities grant to which such city or town may be entitled, may borrow from time to time for said approved school project an amount not exceeding said estimated grant, or such larger amount as may be approved by the emergency finance board established under section 47 of chapter 10, and may issue bonds or notes therefor which shall bear on their face the words (name of city or town) School Project Loan, chapter 70B. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than 20 years from their dates. Indebtedness incurred under this act shall be in excess of the provisions of chapter 44, exclusive of the limitation contained in the first paragraph of section 7 of said chapter 44.

(f) If the determination of the final approved cost is delayed because the construction is not completed, the payments preceding determination of the final approved cost may be based upon the estimated approved cost, and adjustment shall be made in the payment or payments which are made subsequent to the determination of final approved costs.



Section 7. (a) Before approving any school project, the board shall determine (1) the amount of the first annual estimated payments on such projects and (2) the fiscal year in which it is anticipated that the first annual estimated payments would be paid. The aggregate amount of such first annual estimated payments for projects approved by the board in any fiscal year shall not exceed such amount as may be duly authorized therefor as a part of an annual general or supplemental appropriation act or otherwise. For the purposes of this section, a "first annual estimated payment" shall be the amount of the first annual estimated payment made by the commonwealth on behalf of an eligible applicant which results from the approval of a school facilities project.

(b) In each fiscal year there shall be appropriated on account of the provisions of this chapter four separate items in accordance with the following clauses: (1) an amount to provide for the first annual payment on any school facilities project approved on or after the effective date of this chapter; (2) an amount required for payments in the fiscal year on account of grants and reimbursements for educational, engineering and architectural services for regional schools and for surveys made of school building needs and conditions as set forth in section 4; (3) an amount required for annual payments to be made in the fiscal year on account of school facilities projects approved by the board prior to the effective date of this chapter and all other projects approved after said date on which the first annual payment has been made; and (4) for buildings which are structurally unsound or otherwise in a condition jeopardizing the health and safety of school children, where no alternative exists.

(c) Before approving any school project under this chapter, which is to be financed through the alternative funding mechanism set forth in section 12, the board shall determine that if the project under consideration is approved, the commonwealth's aggregate payments on such projects shall not exceed the amount of indebtedness which the commonwealth has authorized for such projects.

Section 8. The board shall approve school projects and reimbursements under this chapter in accordance with the following order of priorities:

(1) priority shall be given to school projects needed in the judgment of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists;

(2) priority shall be given to school projects to eliminate existing severe overcrowding;

(3) priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation;

(4) priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increased enrollments which must be substantiated;

(5) priority shall be given to projects needed in the judgment of said board for the replacement, renovation or modernization of the heating system in any schoolhouse to increase energy conservation and decrease energy related costs in said schoolhouse;

(6) priority shall be given to any school project needed in the judgment of said board for short term enrollment growth;

(7) priority shall be given to school projects needed in the judgment of said board to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and

(8) priority shall be given to projects needed in the judgment of said board to transition from court-ordered and board approved racial balance school districts to walk-to, so-called, or other school districts.

Notwithstanding the provisions of section 6, the board may defer its approval or disapproval of any project application if such deferral is necessary for the effective implementation of the provisions of this section. The board may issue regulations to define the procedures pursuant to which the priorities established by this section will be implemented. Notwithstanding the foregoing, the board shall not approve any project for any school district which fails to spend in the year preceding the year of application at least 50 per cent of the sum of said school district's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses, and extraordinary maintenance allotment as defined in chapter 70, for said purposes. From fiscal year 1999 forward, no school district shall be approved for a project nor receive school facilities funds unless said district has spent at least 50 per cent of the sum of said district's calculated foundation budget amounts in each of the fiscal years including and succeeding fiscal year 1999. All projects which received first school building assistance payments prior to July 1, 2000 shall be exempted from the provisions of this paragraph. Upon a request of a school district, the board may grant a waiver from said requirement for unanticipated or extraordinary changes in maintenance spending as determined by said departments including, but not limited to, the impact on said spending due to the opening of a new school building, the closing of an existing school building or the completion of a major renovation project.

Section 9. (a) In order to maximize the cost effective production of efficient and creative school projects, the board shall require that every school project conform to the following standards and procedures: (1) that the applicant fully consider all available options for satisfying the described need, including tuition agreements with adjacent school districts, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use; (2) that the applicant's site selection is based on the cost and environmental factors, including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities; (3) that the applicant enter into contracts, using forms satisfactory to the board for such competent architectural, engineering and other services as may be required; and (4) that procedures satisfactory to the board are followed by the applicant throughout the planning and construction of the project such as will assure maximum attention to the operating and capital cost effects of program and design decisions, materials and systems selections.

(b) The board shall issue annually, as hereinafter provided, maximum eligible cost standards and size standards for school projects. These standards may take into account the type and location of a proposed school project and may also take into account the difficulty of siting school facilities in dense urban areas in which there exists a shortage of available municipally-owned sites and the increased cost of construction and major renovation in such urban areas. The program standards shall define prototype school design and space recommendations for each specified program activity eligible for state financial assistance. The program standards shall, in the judgment of the board, be in conformity with the minimum requirements of state law and shall also reflect consideration of cost effects, prevailing educational standards in the commonwealth and the needs of efficient and creative school projects. The cost standards shall be based on the price experience of recently completed and recently bid school projects, taking into account the cost effectiveness of design, construction and programming techniques utilized in such school projects. For the purpose of calculating the total construction grant under section 10, the estimated approved cost and the final approved cost for a school project shall not exceed the cost that would result if the project conformed to prototype school standards. The provisions of this section shall not be deemed to preclude an eligible applicant from exceeding prototype school standard; provided, however, the cost of such additional facilities and design shall not be included in the estimated cost and final approved cost on the basis of which the state construction grant is calculated.

(c) After compliance with section 3 of chapter 30A, the board shall not later than the first day of March in each year adopt interim regulations, including minimum program standards and maximum cost standards, for the implementation of this section. Upon the adoption of such regulations, the commission shall forthwith file copies thereof with the clerk of the house of representatives who shall refer such regulations to an appropriate committee of the general court. Within 30 days after such filing, said committee may hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board. Said board shall adopt final regulations making such revisions in the interim regulations as it deems appropriate in view of such report and shall forthwith file a copy of the regulations with the chairperson of the committee of the general court to which the interim regulations were referred. Not earlier than 30 days after the date of such filing, the board shall file the final regulations with the state secretary and the said regulations shall thereupon take effect.

Section 10. From time to time, the commissioner shall certify to the comptroller, and the state treasurer shall, within 30 days after such certification, pay to the several cities, towns and regional school districts from any amounts appropriated therefor, the amounts due them in accordance with approved school facilities grants. The total facilities grant to be paid to eligible applicants on account of projects approved after the effective date of this chapter shall be based on the following formula but no grant shall be approved for any amount less than 50 per cent nor greater than 90 per cent of total approved project costs.

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(a) The percentage the commonwealth shall pay towards an approved school facilities project shall be determined by the following formula: Base Percentage (A) + Community Income Factor (B1) + Community Property Wealth Factor (B2) + Community Poverty Factor (B3) + Incentive Percentage (C).

(A) Base Percentage = 39 percentage points.

(B) Ability to pay percentage points (income/wealth factor) is determined as follows:

(1) Community Income Factor = per capita income, as determined by the department of revenue, for a municipality as a per cent of the statewide average per capita income.

The Community Income Factor is then determined by using the chart below.

Income	
<u>Municipality's per capita income as per cent of statewide average per capita income</u>	<u>Community income factor percentage points</u>
0 -9%	12.00
10-19%	11.37
20-29%	10.74
30-39%	10.11
40-49%	9.47
50-59%	8.84
60-69%	8.21
70-79%	7.58
80-89%	6.95
90-99%	6.32
100-109%	5.68
110-119%	5.05
120-129%	4.42
130-139%	3.79
140-149%	3.16
150-159%	2.53
160-169%	1.89
170-179%	1.26
180-189%	0.63
190% +	0.00

(2) Community Property Wealth Factor = Equalized property valuation per capita as determined by the department of revenue, for the municipality as a per cent of the statewide average equalized property valuation per capita.

The Community Property Wealth Factor is then determined by using the chart below.

Equalized Property Valuation	
<u>Municipality's EQV as per cent of statewide average EQV</u>	<u>Community property wealth factor percentage points</u>
0 -9%	28.00
10-19%	26.53



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<u>Municipality's EQV as per cent of statewide average EQV</u>	<u>Community property wealth factor percentage points</u>
20-29%	25.05
30-39%	23.58
40-49%	22.11
50-59%	20.63
60-69%	19.16
70-79%	17.68
80-89%	16.21
90-99%	14.74
100-109%	13.26
110-119%	11.79
120-129%	10.32
130-139%	8.84
140-149%	7.37
150-159%	5.89
160-169%	4.42
170-179%	2.95
180-189%	1.47
190% +	0.00

(3) Community Poverty Factor = Proportion of low income students, as determined by federal eligibility for free or reduced price lunch, for the district as a per cent of the statewide average proportion of low income students.

The Community Poverty Factor is then determined by using the chart below.

Poverty

<u>School district proportion of low income students as per cent of state average proportion of low income students</u>	<u>Community poverty factor percentage points</u>
0-99%	0.00
100-102%	1.42
103-105%	2.83
106-108%	4.25
109-111%	5.67
112-114%	7.08
115-117%	8.50
118-120%	9.92
121-123%	11.33
124-126%	12.75
127-129%	14.17
130-132%	15.58
133%+	17.00

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(C) Incentive percentage points are determined as follows. Each time an eligible participant submits a project application the board shall assess the school buildings in the school district and the prospective project to determine incentive percentage points for the applicant. The incentive percentage points shall have the following weight.

Incentive Percentage Points	
Category	Percentage points granted
Excellent Maintenance rating	8
Good Maintenance rating	4
Poor Maintenance rating	0
Alternatives to Construction	4
Renovation/Reuse Proposals	5
Major Reconstruction	4
New Construction	0
Innovative Community Use	3
Energy efficiency meets industry standards	2
Non-State Fundraising	.5 for every 1% of project cost raised
Use of Construction/Project Manager	2

(b) In the case of regional school districts, B1 and B2 shall be determined by calculating the relationship to the statewide average for each municipality of the regional district as stated in this section. For purposes of this computation, each member city's and town's share of the total cost shall be determined by multiplying the total approved cost by the percentage of district or county capital costs that would be apportioned to such city or town in accordance with the applicable regional school district agreement or law for capital costs incurred in the fiscal year in which the grant is approved. The amount of the total capital costs apportioned to a member city or town in any fiscal year on account of an approved school project of a regional school or county, determined in accordance with the applicable regional school district agreement or law, shall be reduced by an amount equal to the amount of the grant payable on account of such project in such fiscal year multiplied by a fraction the numerator of which is the city's or town's reimbursement percentage, determined as aforesaid, multiplied by the percentage of capital costs apportioned to the city or town for such fiscal year in accordance with the applicable regional school district agreement or law, and the denominator of which is the sum of the percentages so derived as the numerators for all of the member cities and towns.

In the case of independent agricultural and technical schools, B1 and B2 shall be determined by calculating the relationship to the statewide average for each municipality of the school as stated in this section. A weighted average will then be determined for these municipalities, weighted as compared to the number of students attending the school from each member municipality, which will be used to determine the final B1 and B2 factors.

(c) In addition to the provisions of this section, districts which have a racial desegregation plan approved by the board by June 30, 2000 shall have added 10 percentage

points to their project reimbursement rate as calculated above for projects which have received a favorable vote, for design or construction, by the city council and mayor or town meeting by June 30, 2005, and for which all necessary application procedures have been completed, in such form as may be required by the board, not later than June 30, 2006. Said districts shall have added 5 percentage points to their project reimbursement rate as calculated above for projects which have received a favorable vote, for design or construction, by the city council and mayor on town meeting by June 30, 2011, and for which all necessary application procedures have been completed, in such form as may be required by the board, after June 30, 2006 and not later than June 30, 2012. The total reimbursement rate shall in no circumstances exceed 90% of approved project costs.

Section 11. (a) In the case of any approved school project to be financed in whole or in part from the proceeds of any sale of bonds or notes, the total facilities construction grant shall be paid annually in equal parts to be determined by dividing the total grant by the number of years during which any indebtedness is incurred for such project, provided, however, that if such number of years is less than five, the total grant shall be paid annually in five equal parts, and the payments hereinabove provided for shall begin in the next fiscal year next following the fiscal year in which the construction of such project has been commenced. In the case of any approved school project which is not to be financed from the proceeds of any sale of bonds or notes, the total grant shall be paid annually in five equal parts beginning in the calendar year in which the construction of such project has been commenced.

(b) Notwithstanding any provisions to the contrary contained in the preceding paragraph, in the case of any approved school project of a city or town for which \$75,000 or more has been appropriated from its stabilization fund under the provisions of section 5B of chapter 40 or, in the case of an approved school project of a regional school district for which \$75,000 or more has been appropriated in the aggregate by the member towns from their stabilization funds, the total construction grant shall be paid in the following manner: a sum equal to the amount so appropriated shall be paid in the year in which construction of such project has been commenced, such payment to be called the matching stabilization fund payment, but in no event shall such payment exceed \$100,000 or three-fourths of the estimated amount of the construction grant, whichever is less, and the remainder of such construction grant shall be paid annually in equal parts to be determined by dividing such remainder by the number of years during which any indebtedness incurred for such project shall remain outstanding; provided, however, that if such number of years is less than five, or if the project is not to be financed from the proceeds of any sale of bonds or notes, such remainder shall be paid annually in five equal parts; and in the case of a project for which indebtedness is incurred, the annual payments hereinabove provided shall begin in the calendar year in which the construction of such project has been commenced. The provisions of this paragraph shall not apply unless the amount appropriated from the stabilization fund for the school project or the aggregate amount appropriated therefor from the stabilization

funds of all the member towns of a regional school district was contained in such fund or funds on December 31 of the year next prior to the date of the appropriation therefrom. The entire matching stabilization fund payment shall be applied to the cost of the school project; but whenever a project has been approved by the board, the treasurer of the city, town or regional school district, with the approval of the mayor, selectmen or regional district school committee may incur debt outside the debt limit in anticipation of the proceeds of such payment and may issue notes therefor payable in not more than one year from their dates. Any such loan issued under this paragraph for a shorter period may be refunded by the issue of other notes maturing within one year from the date of the original loan being refunded.

Section 12. (a) Any city or town which is newly admitted to a regional school district may be reimbursed by the board for part of the amount which such city or town is required to pay for such admission, subject to the limitations and in the manner prescribed by this section. The board shall: (1) determine the cost of constructing and originally equipping the regional school building, including the cost of any additional constructed thereto. Included in such cost shall be (a) the cost of construction, either under this chapter or as determined by the board, or the most recently estimated cost of construction in the case where no such final cost of construction has been determined and (b) other capital and maintenance costs not to exceed 5 per cent of the costs in clause (a) as may be allowed by the board, and (c) the interest costs incurred on account of borrowing for the purpose of financing said school construction. Upon the determination of the above sum, the board shall deduct the amount of state aid paid to the regional school district on account of such construction and other capital costs; (2) determine the cost per student of such construction and other capital cost dividing the cost figure arrived at in subsection (1) by the number of students the buildings and additions, if any, can safely and adequately accommodate as determined by the board; and (3) determine the number of new students to be accommodated because of the admission of the new member city or town and that number, multiplied by the cost per student arrived at in subsection (2) shall comprise the maximum approvable amount upon which the board shall base its grant for reimbursement to the newly admitted member, but if the amount which the newly admitted member is required to pay to the regional school district as a condition of membership is less than the maximum approvable amount upon which the board shall base its grant amount as determined above, the lesser amount shall be the maximum approvable amount upon which the board shall base its grant for reimbursement to the newly admitted member.

(b) The amount required to be paid to the regional school district by the newly admitted member as a condition of membership may be paid in equal annual payments made over a period of time, as specified in the amendment to the regional school district agreement by which the new member was admitted to the regional school district and approved by the commissioner of education.

(c) Any such city or town acquiring membership in an existing regional school district shall receive a grant based upon a percentage of the amount determined to be the base



amount upon which the state reimbursement shall be computed as prescribed above. The percentage to be applied against such amount shall be the greater of, (1) the percentage applicable to the district as determined under subsection (a) of section 10, or (2) the percentage applicable to the district as determined under said subsection (a) as through such city or town were a member of the district.

(d) The grant shall be paid to such city or town in equal annual payments, over the same number of years during which such city or town is required to pay the amount of its admission, as specified in the amendment to the regional school district agreement by which city or town was admitted, but in no case shall the number of annual payments by the commonwealth be fewer than 5 nor more than 20. Such annual payments shall be certified by the board to the comptroller and the state treasurer shall, within 30 days after such certification, apply to such city or town the amount due from any funds which have been appropriated for the payment of annual payments to cities, towns and regional school districts.

(e) In instances where the board determines that enlarged or additional facilities are required in an existing regional school district to accommodate students of a city or town acquiring membership in said existing regional school district under this section, any construction grant awarded by the board shall be based upon the greater of (1) the percentage applicable to the district as determined under section 10 as though such city or town were not a member of the regional school district, or (2) the percentage applicable to the district as determined under said section 10 as though such city or town were a member of the district. The provisions of this section shall apply to amendments to regional school agreements approved on or after January 1, 1981.

Section 13. Notwithstanding section 17 of chapter 44, the officers of a city, town or regional school district authorized to issue bonds, notes or certificates of indebtedness for a school construction project for which it has received notice that it has filed a completed school building assistance application with the department of education in such form as prescribed by the board and that the project has been placed on the school building assistance priority list, so-called, may refund, by the issuance of refunding notes, a temporary loan issued in anticipation of money to be derived from the sale of such bonds, notes or certificates, but the period from the date of issue of the original temporary loan to the final maturity of any such refunding notes shall not exceed five years. The refunding notes shall not be required to be paid in part from revenue funds of the city, town or regional school district until the end of the fiscal year following the fiscal year in which the board of education approves the project for a school construction grant pursuant to the provisions of chapter 645 of the acts of 1948 or this chapter. The time within which the serial bonds, notes or certificates of indebtedness issued to pay refunding temporary notes issued hereunder shall be due and payable shall be extended by the period from the date of the original temporary loan to: (a) the date of issue of such serial bonds, notes or certificates; or (b) the end of the fiscal year in which the board of education approves the project for a school construction grant, whichever date is earlier.

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Section 14. For approved projects that are an alternative to construction or renovation, the board shall establish eligible cost criteria, and on a case by case basis, shall determine the allowable cost of the project. Eligible costs may include but shall not be limited to furnishings and equipment, lease costs, rental fees, tuition costs and transportation costs. In no event shall an alternative project be reimbursed if it is determined by the board to be more costly than construction necessary to achieve the same end.

Section 15. (a) In the event that an eligible applicant, sells or leases an assisted structure or facility, on account of which it is receiving grant payments, pursuant to this chapter or pursuant to chapter 645 of the acts of 1948, the net proceeds from the sale or lease shall be divided between the commonwealth and the general funds of the eligible applicant involved, in proportion to the commonwealth's prior investment in the assisted structure or facility under the provisions of this chapter, or under the provisions of chapter 645 of the acts of 1948, as applicable. The commonwealth's share of the net proceeds shall reduce the balance of outstanding grant payments that would otherwise be payable except for the provisions of this section and shall not exceed such amount. Any eligible applicant which sells, leases or otherwise removes from use by said eligible applicant as a schoolhouse any approved school project on account of which it is receiving grant payments, pursuant to this chapter, or chapter 645 of the acts of 1948, shall report such sale, lease or removal to the commissioner in the form and manner and within the time prescribed by the commissioner. The board may issue regulations to recapture commonwealth assistance for capital construction for any approved school facilities projects for school buildings which are removed from service.

(b) In the event an eligible applicant sells or leases an assisted structure or if the assisted structure was not used as a schoolhouse for at least half of the preceding fiscal year, the amount of outstanding grant payments remaining after reductions under the provisions of subsection (a), shall be deducted from each city, town or regional school district's cherry sheets, so-called, as an assessment in accordance with the provisions of section 21 of chapter 59, according to a schedule agreed to between the city or town and the commissioner; provided, however, that at the discretion of the commissioner, deductions authorized from said cherry sheets under the provisions of this subsection may be waived for an assisted structure or facility which has been removed from use as a schoolhouse by a city, town or regional school district, pursuant to a plan approved by said city, town or regional school district and the commissioner, which provides for the reuse of the assisted structure or facility as a schoolhouse within two years of the adoption of the plan or prior to the expiration of the term of any bonds or notes issued to finance the project for which the grant was approved, whichever is the earliest.

(c) Any eligible applicant which applies for a grant pursuant to this chapter and which has, prior to such application, sold, leased or otherwise removed from service any schoolhouse operated by said eligible applicant shall be eligible for such grant only if the board determines either that the grant is not for the purpose of replacing a schoolhouse sold, leased or otherwise removed from service in the past ten years or that the need for the project

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covered by the grant could not have reasonably been anticipated at the time that such schoolhouse was sold, leased or otherwise removed from service.

(d) The provisions of this section, at the discretion of the commissioner, shall not apply to sales or leases of such assisted structures or facilities for nonprofit public purposes.

Section 16. The board shall create a maintenance assessment program for school buildings. Such assessment program shall include a review of all major building components, maintenance records, existing staff and vendor contracts. The board shall use such assessment program to issue ratings of the building conditions for each school district; survey current conditions, develop a model plan for the proper maintenance of school buildings, and provide technical assistance and information to municipalities and school districts.

Section 17. (a) Each November 1, beginning with November 1, 2000, the board shall submit a report to the governor, the house and senate committees on ways and means, the joint committee on education, arts and humanities, the joint committee on natural resources, the house committee on long term debt and the joint committee on local affairs which analyzes the anticipated needs for school facilities projects of kinds that are reimbursable under this chapter in the fiscal year commencing July 1 of each year, beginning with July 1, 2001, and which recommends annual authorization levels for new projects to be approved in each fiscal year.

(b) The commissioner, in conjunction with the board, shall in addition undertake a planning process to identify every school building within the commonwealth that is likely to require construction, enlargement, reconstruction, rehabilitation, or improvement due to such factors as deteriorating school buildings, lack of adequate facilities to meet educational standards, and anticipated increases in school age populations. The board shall report on the planning process by November 1, 2000 in the report to be submitted under paragraph (a).

(c) The board shall collect and electronically maintain data on all school buildings in the commonwealth, including data on the size, capacity, age and maintenance of each school building.

Section 18. The provisions of this chapter shall not affect the terms of payment of any grant approved in accordance with chapter 645 of the acts of 1948 as amended, by the board of education, prior to the date of the enactment of this chapter, except as provided in section 17.

Section 19. The board shall require school districts to notify the board of the actual interest rate obtained for any bond issuance for which the municipality or district will receive state reimbursement under the provisions of chapter 645 of the acts of 1948, as amended, or this chapter, within 30 days of initial bonding. The board shall reimburse municipalities or districts at the actual interest rate obtained.

Municipalities and districts shall submit notification to the board within 30 days of refinancing debt issued pursuant to said chapter 645 or this chapter.

**SECTION 141.** Chapter 71 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 1B the following section:-



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Section 1C. Each school district shall conduct, in cooperation with the local parent advisory council, at least one workshop annually within the school district on the rights of students and their parents and guardians under the special education laws of the commonwealth and the federal government and shall make written materials explaining such rights available upon request.

**SECTION 142.** Section 37G of chapter 71 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following subsection:-

(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall require training of all personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to the parents.

**SECTION 143.** Section 38G of said chapter 71, as so appearing, is hereby amended by inserting after the twentieth paragraph the following paragraph:-

In addition to any other requirements of this section, the board shall require, as a provision of an administrator's or educator's initial certification, that all educators and administrators shall have training in strategies for effective inclusive schooling for children with disabilities, instruction of students with diverse learning styles and classroom organization and management. Such training shall include, at a minimum, practical experience in the application of these strategies.

**SECTION 144.** Said section 38G of said chapter 71, as so appearing, is hereby further amended by inserting after the twenty-third paragraph the following paragraph:-

In addition to any other requirements of this section, the board shall require, as a provision of an administrator's or educator's recertification, that all educators and administrators shall have training in strategies for effective inclusive schooling for children with disabilities, instruction of students with diverse learning styles and classroom organization and management. Such training shall include, at a minimum, practical experience in the application of these strategies.

**SECTION 145.** Section 38Q of said chapter 71, as so appearing, is hereby amended by striking out, in line 3, the words "and other professional staff" and inserting in place thereof the following words:- , other professional staff, paraprofessionals and teacher assistants.

**SECTION 146.** The first paragraph of said section 38Q of said chapter 71, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- The plan shall also include training in: (1) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; and (2) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate such styles. The plan may also include training in the provision of pre-referral services within regular education.



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**SECTION 147.** Said chapter 71 is hereby further amended by inserting after section 38Q, as so appearing, the following section:-

Section 38Q½. A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement.

**SECTION 148.** Section 59C of said chapter 71, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The school council, including the school principal, shall meet regularly and shall assist in the identification of the educational needs of the students attending the school, make recommendations to the principal for the development, implementation and assessment of the curriculum accommodation plan required pursuant to section 38Q½, shall assist in the review of the annual school budget and in the formulation of a school improvement plan, as provided below.

**SECTION 149.** Section 1 of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Department" the following definition:-

"Free appropriate public education", special education and related services as consistent with the provisions set for in the 20 U.S.C. 1400 et seq., its accompanying regulations, and which meet the education standards established by statute or established by regulations promulgated by the board of education.

**SECTION 150.** Section 1 of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out the definition of "Least restrictive environment" and inserting in place thereof the following definition:-

"Least restrictive environment", the educational placement that assures that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services, cannot be achieved satisfactorily.

**SECTION 151.** Said section 1 of said chapter 71B, as so appearing, is hereby further amended by striking out the definitions of "School age child with special needs", "School age child requiring special education" and "Special Education" and inserting in place thereof the following three definitions:-

"School age child with a disability", a school age child in a public or non-public school setting who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress effectively in regular education and requires special education services in order to successfully develop the child's individual educational potential, including a school age child who requires only a related service or services if said related service or services are required in order to ensure access of the child with a disability to the general education curriculum. The term "specific learning impairment" shall be defined pursuant to 24 CFR 300.7(c)(10), the definition of specific learning disability contained in federal regulations implementing the Individual with Disabilities Education Act in effect on January 1, 2000. The term "emotional impairment" shall be defined pursuant to 34 CFR 300.7(c)(4), the definition of "emotional disturbance" contained in federal regulations implementing the Individual with Disabilities Education Act in effect on January 1, 2000. No child shall be determined to be a student with a disability solely because such child's behavior violates the school's disciplinary code and no child shall be determined to be a student with a disability solely because such child shall have failed the statewide assessment tests authorized pursuant to section 11 of chapter 69. The use of the word disability in this section shall not be used to provide a basis for labeling or stigmatizing the child or defining the needs of the child and shall in no way limit the services, programs, and integration opportunities provided to such child.

"School age child requiring special education", a child with a disability who requires special education as determined in accordance with the provisions of this chapter and the regulations set forth by the board.

"Special education", educational programs and assignments including, special classes and programs or services designed to develop the educational potential of children with disabilities including, but not limited to, educational placements of children by school committees, the departments of public health, mental health, mental retardation, youth services and social services in accordance with the provisions of this chapter and the regulations set forth by the board.

**SECTION 152.** Said section 1 of said chapter 71B, as so appearing, is hereby further amended by striking out the definition of "School age child with a disability as inserted by section 151 and inserting in place thereof the following definition:-

"School age child with a disability", a school age child in a public or non-public school setting who, because of a disability consisting of a developmental delay or any intellectual, sensory, neurological, emotional, communication, physical, specific learning or health impairment or combination thereof, is unable to progress effectively in regular education and requires special education services, including a school age child who requires only a related service or related services if said service or services are required to ensure access of the child with a disability to the general education curriculum. The term "specific learning impairment" shall be defined pursuant to 24 CFR 300.7(c)(10), the definition of specific learning disability contained in federal regulations implementing the Individual with

Disabilities Education Act in effect on January 1, 2000. The term "emotional impairment" shall be defined pursuant to 34 CFR 300.7(c)(4), the definition of "emotional disturbance" contained in federal regulations implementing the Individual with Disabilities Education Act in effect on January 1, 2000. No child shall be determined to be a student with a disability solely because such child's behavior violates the school's disciplinary code and no child shall be determined to be a student with a disability solely because such child shall have failed the statewide assessment tests authorized pursuant to section 1I of chapter 69. The use of the word disability in this section shall not be used to provide a basis for labeling or stigmatizing the child or defining the needs of the child and shall in no way limit the services, programs, and integration opportunities provided to such child.

**SECTION 153.** Section 2 of said chapter 71B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:-

The board shall promulgate, jointly with the departments of mental health, mental retardation, public health, social services and youth services, the Massachusetts commission for the blind and the commission for the deaf and hard of hearing, regulations regarding educational programs for children with disabilities including, but not limited to a definition of disability which definition shall emphasize a thorough, narrative description of each child's development potential so as to minimize the possibility of stigmatization and to assure the maximum possible development in the least restrictive environment of a child with a disability. The definition shall be sufficiently flexible to include children with multiple disabilities.

Prior to referral of a school age child for evaluation under the provisions of this chapter, the principal of the child's school shall ensure that all efforts have been made to meet such child's needs within the regular education program. Such efforts may include, but not be limited to: modifying the regular education program, the curriculum, teaching strategies, reading instruction, environments or materials, the use of support services, the use of consultative services and building-based student and teacher support and assistance teams to meet the child's needs in the regular education classroom. Such efforts and their results shall be documented and placed in the child's school record but they shall not be construed to limit or condition the right to refer a school age child for an evaluation under the provisions of this chapter. The principal of each school shall implement the district's curriculum accommodation plan created under section 38Q½ of chapter 71 in developing strategies for serving children with diverse learning styles within the regular classroom. The principal of each school may designate one professional staff person in the curriculum accommodation plan required in said section 38Q½ of chapter 71 to coordinate services, support and resources designed to meet each child's needs within regular education.

Children receiving or requiring special education shall be entitled to participate in any of the following programs: (1) additional direct or indirect instruction consultation service, materials, equipment or aid provided children or their regular classroom teachers which directly benefits children requiring special education; (2) supplementary individual or small



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group instruction or treatment in conjunction with a regular classroom program; (3) integrated programs in which children are assigned to special resource classrooms but attend regular classes to the extent that they are able to function therein; (4) full-time special class teaching in a public school building; (5) teaching at home; (6) full-time teaching in a special day school or other day facility; (7) teaching at a hospital; (8) teaching at a short or long-term residential school; (9) occupational or pre-occupational training in conjunction with the regular occupational training program in a public school; (10) occupational and pre-occupational training in conjunction with full-time special class teaching in a public school building, at home, in a special day school or other day facility, hospital or short or long-term residential school; and (11) any combination or modification of these programs or other programs, services or experimental provisions which obtain the prior approval of the department.

**SECTION 154.** Section 2 of said chapter 71B, as so appearing, is hereby amended by striking out the first paragraph as inserted by section 153 of this act and inserting in place thereof the following paragraph:-

The board shall promulgate, jointly with the departments of mental health, mental retardation, public health, social services and youth services, the Massachusetts commission for the blind and the commission for the deaf and hard of hearing, regulations regarding educational programs for children with disabilities including, but not limited to a definition of disability which definition shall emphasize a thorough, narrative description of each child's development potential so as to minimize the possibility of stigmatization and to assure a free and appropriate public education in the least restrictive environment of a child with a disability. The definition shall be sufficiently flexible to include children with multiple disabilities.

**SECTION 155.** Said section 2 of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 49, the word "needs" and inserting in place thereof the following word:- disability.

**SECTION 156.** Section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following three paragraphs:-

In accordance with the regulations, guidelines and directives of the department issued jointly with the departments of mental health, mental retardation, public health, youth services, and the commission for the blind and the commission for the deaf and hard of hearing and with assistance of the department, the school committee of every city, town or school district shall identify the school age children residing therein who have a disability, as defined in section 2, diagnose and evaluate the needs of such children, propose a special education program to meet those needs, provide or arrange for the provision of such special education program, maintain a record of such identification, diagnosis, proposal and program actually provided and make such reports as the department may require. Until proven otherwise, every child shall be presumed to be appropriately assigned to a regular education



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program and presumed not to be a school age child with a disability or a school age child requiring special education.

The department shall take all steps necessary to monitor and enforce compliance with this section no less than every three years, including but not limited to investigations, on-site visits and public hearings, and shall provide assistance in planning and implementing any necessary corrective actions to ensure that no school committee provides special education services to a child pursuant to this chapter unless an evaluation conducted pursuant to this section determines that the child has a disability, as defined in section 1. The department shall further take any and all steps necessary to monitor and enforce compliance with all other provisions of this chapter, including but not limited to the requirement that school committees educate children in the least restrictive environment, as defined in section 1. The department shall also ensure that teachers and administrators are fully informed about their responsibilities for implementing the provisions of this chapter and are provided with technical assistance and training necessary to assist them in such effort.

No school committee shall refuse a school age child with a disability admission to or continued attendance in public school without the prior written approval of the department, and without complying with state and federal requirements for disciplining students with disabilities, where applicable. During the pendency of administrative or judicial proceedings, a court of competent jurisdiction shall have the authority to change a child's educational placement, including removing the child from school, in any circumstances when the school committee shows that the child's behavior poses a substantial likelihood of injury to himself or others; provided, however, that the foregoing shall not be construed to abrogate any authority concerning discipline for such a child which is available to a school committee under said regulations and procedures or any other law. No child who is so refused or removed shall be denied an alternative form of education approved by the department, as provided for in section 10, through a tutoring program at home, through enrollment in an institution operated by a state agency, or through any other program which is approved for the child by the department.

**SECTION 157.** Said section 3 of said chapter 71B, as so appearing, is hereby further amended by inserting after the word "courts", in line 45, the following words:- ; provided, however, that a school district shall not be required to refer a child for an evaluation solely because the child presents a risk of or fails to be promoted at the end of the school year; and provided further, that a school district shall not be required to refer a child for an evaluation solely because such child failed the statewide assessment tests authorized pursuant to section 11 of chapter 69.

**SECTION 158.** The fifth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The parents or guardians of such child shall be consulted about the content of such evaluation and the evaluators being used.

**SECTION 159.** Said fifth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby further amended by striking out the fourth and fifth sentences and in-

serting in place thereof the following two sentences:- Such assessment shall include (i) the child's efficiency in reading and writing print as compared with children who do not have a disability; (ii) the child's stamina in using print before fatigue occurs; (iii) the child's prognosis for further sight loss; and (iv) the child's present competence in Braille and a detailed explanation as to whether instruction is appropriate, conducted by a certified teacher of students with visual impairments. Any such instruction found to be essential to meet such child's disability shall be available at a frequency and duration sufficient to meet fully the educational needs of the child.

**SECTION 160.** Said section 3 of said chapter 71B, as so appearing, is hereby further amended by striking out the seventh to tenth paragraphs, inclusive, and inserting in place thereof the following three paragraphs:-

These departments through their joint regulations may define circumstances under which the requirement of any or all of these assessments may be waived so long as an evaluation appropriate to the educational needs of the child is provided. Those persons assessing said child shall maintain a complete and specific record of diagnostic procedures attempted and their results, the conclusions reached, the suggested courses of special education best suited to the child's educational needs, and the specific benefits expected from such action. A suggested special education program may include family guidance or counseling services. When the suggested course of study is other than regular education those persons assessing said child shall present a method of monitoring the benefits of such special education and conditions that would indicate that the child should return to regular classes, and a comparison of expected outcomes in regular class placement.

If a child with a disability requires special education and related services in accordance with the provisions of the federal Individuals with Disabilities Education Act of 1975, the provisions of this chapter, and federal and state regulations promulgated pursuant thereto, such services shall be made available.

Upon completion of said evaluation, the child's parents may obtain an independent evaluation at school committee expense, from child evaluation clinics or facilities approved by the department jointly with the departments of mental health, mental retardation and public health, provided that the school committee may initiate within five school working days of the request, a hearing with the bureau of special education appeals to show that its evaluation is appropriate, in accordance with the provisions of the Individuals with Disabilities Education Act and regulations promulgated pursuant thereto; provided, however, that the parents may choose, on a voluntary basis, to share the costs of the independent evaluation with the school committee pursuant to a sliding fee scale established in regulations issued by the department pursuant to this section, in which case the school committee shall pay its share of the costs in accordance with the scale; provided, that, if the child's family income does not exceed 400 per cent of the federal poverty level established by the United States department of health and human services, parents shall pay no cost; provided, however, that the division of health care finance and policy established by section 2 of chapter 118G shall establish rates for educational assessments conducted or performed

by psychologists and other trained certified educational personnel notwithstanding the provisions of any general or special law or rule or regulation to the contrary. A parent may obtain an independent evaluation at private expense from any specialist.

**SECTION 161.** The eleventh paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The written record and clinical history from both the evaluation provided by the school committee and independent evaluation, if any, shall be made available to the parents, guardians, or persons with custody of the child.

**SECTION 162.** The twelfth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- The hearing officer may determine, in accordance with the rules, regulations and policies of the respective agencies, that services shall be provided by the department of social services, the department of mental retardation, the department of mental health, the department of public health, or any other state agency or program, in addition to the program and related services to be provided by the school committee.

**SECTION 163.** The twelfth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The hearing officer shall order such educational placement and services as he deems appropriate and consistent with this chapter to assure the child receives a free and appropriate public education in the least restrictive environment; provided, however, that a presumption shall exist to direct such placement to the regular educational environment.

**SECTION 164.** Said section 3 of said chapter 71B, as so appearing, is hereby further amended by inserting after the twelfth paragraph the following paragraph:-

At any time, school committees and parents, guardians, or persons with custody of a student may voluntarily agree to seek resolution of any dispute through mediation provided by the bureau of special education appeals, provided, that the mediation process may not be used to deny or delay a parent's right to a due process hearing or to delay or deny any other rights afforded under this chapter and the federal Individuals with Disabilities Education Act of 1975, as so amended and shall be scheduled as soon as practicable after such agreement.

**SECTION 165.** The sixteenth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The educational progress of any child placed in a special education program shall be reviewed at least annually as set forth above.

**SECTION 166.** Said sixteenth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:- If the evaluation of the special education program shows that said program does not provide educational benefit to the child to the maximum extent feasible in the least restrictive environment, then such child shall be reassigned. If the evaluation shows that the child no longer needs special education services, the team



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shall recommend that the child no longer be considered a school age child with disabilities for the purposes of this chapter.

**SECTION 167.** Said sixteenth paragraph of said section 3 of said chapter 71B, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- If the evaluation of the special education program shows that said program does not provide educational benefit to the child in the least restrictive environment, then such child shall be reassigned.

**SECTION 168.** Said section 3 of said chapter 71B, as so appearing, is hereby further amended by adding the following paragraph:-

The school committee of any city, town, or school district shall establish a parent advisory council on special education. Membership shall be offered to all parents of children with disabilities and other interested parties. The parent advisory council duties shall include but not be limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee's special education programs. The parent advisory council shall establish by-laws regarding officers and operational procedures. In the course of its duties under this section, the parent advisory council shall receive assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.

**SECTION 169.** Section 4 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "district", in line 8, the following words:- ; provided, however, that every school committee, where feasible, shall be associated with an educational collaborative providing services to children with a disability which disability occurs in a low incidence in the population of children requiring special education.

**SECTION 170.** Section 5 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 13, the words "special needs" and inserting in place thereof the following words:- a disability.

**SECTION 171.** Said chapter 71B is hereby further amended by striking out section 5A, as so appearing, and inserting in place thereof the following section:-

Section 5A. (a) There is hereby established, subject to appropriation, a special education reimbursement program. Said program shall reimburse municipalities for the eligible instructional costs associated with implementing individual education plans, so-called, of students receiving special education services pursuant to this chapter. Said reimbursements shall be in addition to amounts distributed pursuant to chapter 70 and shall not be included in the calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year. Said reimbursement shall not include costs incurred by municipalities for transportation. The department shall define, consistent with this section and in regulations it shall promulgate, those instructional costs associated with implementing individual education plans for pupils that shall be eligible for reimbursement under said program.



(b) For the purposes of this section, the following words shall have the following meanings:-

"In-district programs", shall consist of special education services provided in a facility used by any school district to educate children with disabilities and children without disabilities pursuant to chapter 71 or a separate facility wholly operated by a school district exclusively for students who reside in that district with significant and severe disabilities whose needs cannot be met in a less restrictive setting and who otherwise would be served in private special education day or residential schools; provided, however, that such separate facilities shall be approved by the department of education before being designated as "in-district programs" for the purpose of this section.

"Out-of-district programs", shall consist of special education services provided in a facility used exclusively for the purposes of this chapter.

"Instructional costs", shall include only those costs directly attributable to providing the special education services on the student's individual education plan, such as salary of educational personnel, salary of related services personnel, costs for specialized books, materials, or equipment, tuition costs, if the student is receiving services from other than the local public school, consultant costs if directly attributable to the student's instructional program, and instructional costs of extended day or year services if such services are a part of the individual education plan. Such costs shall be prorated as appropriate to reflect group activities or costs for part time services. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than one student, the costs of fringe benefits of personnel employed by the school district, nor the costs associated with evaluation, development of the individual education plan, or service coordination for the student with disabilities. Instructional costs for the purposes of this reimbursement program also shall not include the salary of personnel providing educational services when such services are not specially designed instruction for the student with disabilities.

(c) Instructional costs eligible for reimbursement under said program shall be reported by a school district to the department in a form and manner as prescribed by the commissioner. For each such school district, the department shall review said report and approve those per pupil instructional costs that are eligible for reimbursement pursuant to said program within thirty days of submission. Based upon said approved costs, the department shall calculate the reimbursement due a municipality based upon the following:

(i) the costs of in-district programs shall be reimbursed at 80 per cent of all such approved costs that exceed three times the state average per pupil foundation budget, as defined in said chapter 70, for the current fiscal year; and

(ii) the costs of out-of-district programs shall be reimbursed at 65 per cent of all said approved costs that exceed four times the state average per pupil foundation budget, as defined in said chapter 70, for the current fiscal year; provided, however, that a municipality or school district in which the number of hearing-impaired students enrolled in a private

school located in said municipality or school district, pursuant to the provisions of this chapter exceeds 40 per cent of the municipality's or district's private day school placements shall be reimbursed at 80 per cent of all said approved costs. Said municipality or school district shall be reimbursed at 100 per cent of all approved costs, including costs related to transportation and moving students from private day placement to a public school within said school district and for all students transitioned out of said private day school and receiving their education within said municipality or school district.

(d) Districts shall notify the department within 30 days of any change in previously approved instructional costs, including but not limited to changes in a student's enrollment status or individual educational plan.

(e) In preparing a budget recommendation for the subsequent fiscal year for consideration by the local appropriating authority, a school district shall project special education costs and enrollments, including per pupil instructional costs eligible for reimbursement under this program. The school committee's budget recommendation shall exclude any such instructional costs eligible for reimbursement under this program. Upon receipt of reimbursements paid under this program by the municipal treasurer, in the case of local school districts, or the regional district treasurer in the case of regional school districts, such amounts shall be recorded by the municipality or district as additional appropriations to the school committee, without any further action being required on the part of the local appropriating authority.

(f) Reimbursements shall be made in four quarterly payments to coincide with the distributions of funds made available pursuant to said chapter 70. The department shall estimate the first, second, and third quarter payments in such a manner as to provide the district with 50% of its estimated annual reimbursement by the end of the first quarter, 65% of its estimated annual reimbursement by the end of the second quarter, and 80% of its estimated annual reimbursement by the end of the third quarter. Fourth quarter payments shall be based on actual reported costs and shall include any required adjustments to prior estimated payments including but not limited to adjustments required by changes in a student's enrollment status or individual educational plan reported pursuant to paragraph (d) of this section.

(g) Notwithstanding the foregoing, the commonwealth shall continue to pay to approved private residential schools all sums authorized by this section on a direct payment basis.

**SECTION 172.** Said chapter 71B, as so appearing, is hereby further amended by inserting after section 5A the following two sections:-

Section 5B. (a) There is hereby established a pooled risk program for extraordinary and unanticipated special education costs to be administered by the department. The board of education shall promulgate regulations necessary for the operation of the program.

(b) A local or regional school district may elect to participate in the pooled risk program by vote of the school committee by a date established by regulations of the department. Districts shall be given at least one opportunity each year to join the program

but districts shall elect to participate for a period of not less than five years.

(c) The commissioner shall annually establish the premiums to be paid by each participating district. Such premiums shall take into account the number of students enrolled in the district, the district's evolving history of claims on the fund and such other factors as are deemed appropriate. A district's premiums shall increase in response to that district's claims made on the fund in accordance with regulations promulgated by the board. Commonwealth appropriations shall provide a match of up to \$1 per dollar paid in premiums by participating districts.

(d) The comptroller shall establish on the books of the commonwealth a special education pooled risk program trust fund. At the direction of the commissioner, premium payments due from participating districts shall be deducted from said district's quarterly local aid distributions and deposited in said trust fund. Any amounts appropriated for the purposes of this program, including any amount appropriated for the purpose of insuring short-term solvency, shall also be transferred into said trust fund.

(e) Any funds remaining in the trust fund at the end of a fiscal year shall be carried forward into the following fiscal year and shall remain available for expenditure without further appropriation.

(f) Districts may submit claims for payment not to exceed 75 per cent of the amount by which the district's current year total special education expenses exceed 110 per cent of the district's average total special education expenses of the prior three years. For the purposes of this section, total special education expenses shall include instructional costs and private school tuition costs but shall not include transportation costs. Claims shall be subject to review and approval by the commissioner. Approved claims shall be paid from the trust fund.

(g) The commissioner may make such adjustments as are necessary to premiums and claims to account for reimbursements received under any other state or federal programs and to adjust prior year amounts based on final reported costs for the fiscal year.

(h) Commonwealth charter schools may participate in the program in the same manner as local and regional school districts provided that any payments due to the trust fund may be deducted from tuition payments otherwise to be deducted from district quarterly local aid distributions pursuant to subsection (nn) of section 89 of chapter 71. Said payments shall be deposited in said trust fund.

(i) A reasonable amount of administrative costs may be expended annually from the trust fund for the administration of the program.

Section 5C. (a) There is hereby established a zero interest loan program for extraordinary and unanticipated special education costs, to be administered by the department. The board of education shall promulgate regulations necessary for the operation of this program.

(b) Local and regional school districts may elect to apply to the loan program by vote of the school committee.

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(c) The state comptroller shall establish on the books of the commonwealth a special education loan program trust fund. Any amounts appropriated for the purposes of this program shall be transferred into said trust fund.

(d) Any funds remaining in the trust fund at the end of a fiscal year shall be carried forward into the following fiscal year and shall remain available for expenditure without further appropriation.

(e) Districts may apply for zero interest loans to cover any portion of the amount by which the current year's total special education expenses are expected to exceed 110 per cent of the district's average total special education expenses of the prior three years. For the purposes of this section, total special education expenses shall include instructional costs, private school tuition costs and premiums paid to the risk pool trust fund established in section 5B, but shall not include transportation costs. Loan applications shall be subject to review and approval by the commissioner. Approved loan amounts shall be paid from the trust fund established in subsection (c).

(f) The commissioner may make such adjustments as are necessary to loan applications to account for reimbursements received under any other state or federal programs.

(g) Loans shall be repaid over a five-year period according to a schedule to be established through department regulations. At the direction of the commissioner, loan repayments due from participating districts shall be deducted from said district's quarterly local aid distributions and deposited in said trust fund.

(h) Commonwealth charter schools may participate in the program in the same manner as local and regional school districts provided that any payments due to the trust fund may be deducted from tuition payments otherwise to be deducted from district quarterly local aid distributions pursuant to subsection (nn) of section 89 of chapter 71. Said payments shall be deposited in said trust fund.

(i) A reasonable amount of administrative costs may be expended annually from the trust fund for the administration of the program.

**SECTION 173.** Section 6 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 13, the word "must" and inserting in place thereof the following word:- shall.

**SECTION 174.** Section 7 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 4, the word "must" and inserting in place thereof the following word:- shall.

**SECTION 175.** Section 8 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 1, the words "special needs" and inserting in place thereof the following words:- a disability.

**SECTION 176.** Section 9 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 5, the words "special needs" and inserting in place thereof the following words:- a disability.



**SECTION 177.** Said chapter 71B, as so appearing, is hereby further amended by inserting after section 9 the following section:-

Section 9A. The department of education shall provide a workshop curriculum on the rights of students, their parents and guardians under the special education laws of the commonwealth and the federal government to each school district in the commonwealth to be used by such school districts in conducting the workshops required by section 1C of chapter 71. The department of education shall establish a Parent Advisory Committee to assist and advise in developing said workshop curriculum. The Parent Advisory Committee shall consist of representatives from the Federation for Children with Special Needs, the Massachusetts Association of Parent Advisory Councils, the Parent Professional Advocacy League, the Disability Law Center, and the Massachusetts Advocacy Center.

**SECTION 178.** Section 10 of said chapter 71B, as so appearing, is hereby amended by striking out the first, second and third paragraphs and inserting in place thereof the following three paragraphs:-

The department may, on an annual renewal basis, upon the request of the parents or guardians and the recommendations of a local school committee refer children requiring special education to any institution within or without the commonwealth which offers curriculum, instruction and facilities which are appropriate to the child's disability and which are approved by the department under regulations prescribed by the departments of education, mental health, mental retardation and public health. The curriculum at such an institution shall for approval be equivalent, insofar as the department deems feasible, to the curriculum for children of comparable age and ability in the public schools of the commonwealth. Notwithstanding the foregoing, the department shall give preference to programs that are offered within the child's school district and if no such program is available, to programs offered within the commonwealth. Placement in another state shall be made only when no public or private facility which can provide the services in the student's individualized education plan, consistent with requirements of state and federal law, is available in the commonwealth; but no child in an out of state placement as of June 1, 2000 shall be required to transfer to a facility located within the commonwealth unless the transfer is in accordance with the child's individualized education plan and is not based solely upon this section.

Before acting on said request, the department shall determine the nature and extent of a child's disability, and shall require the local school committee to prepare and submit plans detailing the time needed to establish facilities adequate for children with a disability in the city, town or school district where the child resides, and shall ascertain whether adequate facilities and instruction programs are available or when adequate facilities can be made available in the city, town or school district where the child with a disability resides. Until adequate facilities can be made available, such child shall be placed in the most adequate program available as determined by the department. The department shall further define by regulation the circumstances in which it shall be directly responsible for the placement of children in such special education programs, and by standards available to the

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public determine the methods and order of such placements; provided, however, that no child shall be denied access to any program operated by the department of mental health, mental retardation, public health or social services to which in the judgment of the operating department the child should be admitted.

The expenses of the instruction and support actually rendered or furnished to such children with disabilities, including their necessary traveling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefor, may be paid by the commonwealth; but the department shall issue regulations jointly with the departments of mental health, mental retardation, public health, youth services and social services defining the circumstances in which the commonwealth shall bear all or part of such cost, the circumstances in which school committees shall be required to bear part or all of such cost, and the circumstances in which a parent or guardian may be required to reimburse the commonwealth for part or all of such cost; provided, however, that in no event shall the cost to the school committee for placement under this section be less than the average per pupil cost for pupils of comparable age within the city, town or school district; and provided, further, that in determining the cost to the parent or guardian, if any, no charge shall be made for any educational cost but only for support and care. In determining the cost to the parent or guardian the department shall apply criteria which take into account relative ability to pay.

**SECTION 179.** Section 10 of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after line 53 the following paragraph:-

The board of education shall not limit the rights of a school district to conduct unannounced visits to any private school in which the district has placed any students pursuant to this chapter.

**SECTION 180.** Section 11A of said chapter 71B, as so appearing, is hereby amended by striking out, in line 2, the words "special needs" and inserting in place thereof the following words:- a disability.

**SECTION 181.** Section 12 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 5, the words "special needs" and inserting in place thereof the following words:- a disability.

**SECTION 182.** Section 12C of said chapter 71B, as so appearing, is hereby amended by striking out, in line 6, the words "special needs" and inserting in place thereof the following words:- a disability.

**SECTION 183.** Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 24, the words "special needs" and inserting in place thereof the following word:- disability.

**SECTION 184.** Section 25 of chapter 74 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words ", the Essex agricultural and technical institute,".

**SECTION 185.** Section 26 of said chapter 74, as so appearing, is hereby amended by striking out the last paragraph.

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**SECTION 186.** Section 28 of said chapter 74, as so appearing, is hereby amended by striking out the last paragraph.

**SECTION 187.** Section 31C of said chapter 74 is hereby repealed.

**SECTION 188.** Said chapter 74 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:-

Section 33. The Bristol county agricultural school and the Norfolk county agricultural school shall be free to residents of Bristol and Norfolk counties, respectively, over 14 years of age, except that free attendance shall be limited by the capacity of the courses provided for such schools. The trustees of the Bristol county agricultural school and Norfolk county agricultural school may require the payment of tuition and related fees from each person enrolled in adult evening courses offered by said schools. The amount of tuition and related fees shall be determined by said trustees. All receipts of such tuition and related fees shall be deposited with the treasurer of the county.

**SECTION 189.** Section 35 of said chapter 74, as so appearing, is hereby amended by striking out the last sentence.

**SECTION 190.** Section 35A of said chapter 74 is hereby repealed.

**SECTION 191.** The General Laws are hereby amended by inserting after chapter 74 the following chapter:-

### CHAPTER 74A.

#### INDEPENDENT AGRICULTURAL AND TECHNICAL SCHOOLS.

Section 1. Independent agricultural and technical institutes shall be public high schools operated pursuant to this chapter. The schools shall not be subject to section 89 of chapter 71. The schools shall operate under the general supervision of the department of education and operate independently of any municipality or school committee, and shall be managed by a board of trustees. Each school shall be a body politic and corporate with all powers and duties conferred by law upon regional school districts to the extent that such powers and duties are not inconsistent with this chapter.

Section 2. The Essex agricultural and technical institute shall be an independent agricultural and technical school pursuant to this chapter. The Bristol and Norfolk county agricultural high schools shall not become an independent agricultural and technical school pursuant to this chapter.

Section 3. The powers, duties and liabilities of each school shall be vested in and exercised by a board of trustees. The board of trustees shall consist of nine members appointed by the governor for terms of not more than four years, of which neither more than two nor less than one term shall expire each year. The chairperson of the board of trustees shall be designated by the governor from among the board's nine members. The term of the board of trustees of the Essex agricultural and technical institute as constituted immediately prior to the transfer date of Essex county pursuant to section 1 of chapter 34B shall expire on January 1, 2001.



For the Essex independent agricultural and technical institute, members of said board shall be selected by the governor from nominations submitted by the mayors and boards of selectmen of the cities and towns having students enrolled in the institute. At least three of said members shall reside in the municipalities of Lynn, Peabody, Salem, Methuen, Gloucester, Haverhill or Lawrence and shall be selected from a list of nominations submitted by the mayors of such cities. At least one candidate shall reside in the municipalities of Danvers, Amesbury, Middleton, Newburyport or Beverly and shall be selected from a list of nominations submitted by the mayors or boards of selectmen in such municipalities.

The remaining five members shall reside in one of the remaining municipalities in which a student of said school resides and shall be selected from a list of nominations submitted by the mayors and boards of selectmen in each such municipality. Said remaining members shall be nominated from communities based on the percentage of students enrolled, which shall be recalculated every three years. The municipalities shall be ranked according to enrollment, then separated into three categories based on enrollment. Two members shall be selected from municipalities with enrollments in the top third, two members shall be selected from municipalities with enrollment in the middle third and one shall be selected from municipalities with enrollments in the lower third; provided, however, that no person shall be nominated from a municipality that does not enroll students at the institute; and provided, further, that no municipality shall have more than one seat on the board.

Section 4. The primary purpose of a school is to prepare students for occupations or additional education related to agriculture, agriscience, agribusiness, the care and management of animals, horticulture, forestry and environmental science. While a school may offer other forms of vocational-technical education, as defined in section 1 of chapter 74, every school shall avoid duplication of programs offered in vocational schools located within a 20-mile radius of the school. In fulfilling its purpose, a school shall not give any preference for admission to students on the basis of residence in the particular geographical area previously known as the county within which the school was located. A school shall admit students in accordance with an admissions plan approved by the commissioner of education.

Section 5. Notwithstanding any general or special law to the contrary, title to all real and personal property held by a county for the use of a school shall be transferred to the commonwealth upon the transfer date of a county abolished pursuant to section 1 of chapter 34B. The board of trustees of said school shall assume responsibility for the maintenance, operation and management of such property. The sale or lease of the property shall require special legislation; provided, however, that the sale or lease, for a term of greater than three years, of the real property shall require special legislation.

Section 6. The board of trustees shall appoint a director of a school who shall have all the powers and duties of a school superintendent to the extent that such powers and duties are not inconsistent with other provisions of this chapter. Said director shall serve at the pleasure of the board. The board of trustees shall also appoint a treasurer of a school, who shall:



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(a) keep full and accurate accounts of a school's revenues, expenses, assets and liabilities, in accordance with generally accepted accounting principles as established by the governmental accounting standards board;

(b) establish the fiscal year of a school to conform to the fiscal year of the commonwealth;

(c) prudently invest all monies held in the name of a school;

(d) encumber funds and make expenditures in accordance with policies established by the board of trustees;

(e) permit the inspection of a school's books and accounts by the commissioner of education, the state auditor, the director of accounts, the inspector general or their respective designees;

(f) prepare and submit to the commissioner of education within 120 days following the close of each fiscal year such financial reports as the commissioner of education shall require, together with the opinion of an independent auditor attesting to such reports; and

(g) receive and take charge of all monies due to a school and give a bond for the faithful performance of his duties in accordance with the provisions of section 35 of chapter 41.

The director and the treasurer shall serve at the will and pleasure of the board and shall not be subject the provisions of chapter 31.

Section 7. The board of trustees shall submit to the commissioner of education not later than December 31 of each year a proposed budget for the following fiscal year. The commissioner shall either approve the budget as requested or, if he determines that the amount requested is excessive or unreasonable, shall approve a lesser amount. The commissioner shall calculate a tuition assessment for such fiscal year, equal to the amount of the approved budget less the amounts estimated to be received from state aid and other sources. The amount of state education aid for independent agricultural and technical schools shall be calculated pursuant to chapter 70 and shall be supplemented with a state appropriation pursuant to section 17 of chapter 34B. Not more than 30 days after the effective date of any law that alters the provisions of said chapter 70, the commissioner shall report the impact of any formula changes to the house and senate committee on ways and means. Said tuition assessment shall be paid by the various cities and towns in accordance with section 8.

Section 8. A school shall annually report to the commissioner of education, in conjunction with its foundation enrollment reporting pursuant to chapter 70, the city or town of residence of each student so enrolled. Notwithstanding section 27C of chapter 29, the commissioner of education shall allocate the following year's tuition assessment among the various cities and towns in proportion to such enrollment and shall notify each city and town of its respective assessment not later than 120 days prior to the start of the fiscal year. Each tuition assessment shall be deducted from the quarterly distributions of chapter 70 aid payable to such city or town or, if such assessment exceeds the amount of chapter 70 aid pay-

able, it shall be deducted from any other state aid payable to such city or town. The total of all tuition assessments shall be paid each quarter to each school.

Section 9. The board of trustees shall not incur expenses in any fiscal year in excess of the budget amount approved by the commissioner of education unless the trustees determine that adequate funds are available for such expenses.

Section 10. The board of trustees may borrow funds for the operation of a school and for capital improvements; but any borrowing in excess of one year shall require the prior approval of the commissioner of education and the chief municipal official, or his designee, of every municipality having students enrolled at the school. Notwithstanding any general or special law to the contrary, a school shall be deemed an eligible institution for financing assistance provided by the Health and Educational Facilities Authority established under chapter 614 of the acts of 1968.

Section 11. A school shall be responsible for the transportation of its students in accordance with section 7A of chapter 71 and may contract with municipalities for the provision of transportation services; provided, however, that such responsibility shall be limited to students residing in municipalities within a 20-mile radius of the school, as determined by the commissioner of education.

Section 12. A school shall be eligible for all grants and state aid for which regional school districts are eligible. For the purposes of section 12 of chapter 645 of the acts of 1948, the Essex agricultural and technical institute's reimbursement percentage shall be 72 per cent.

Section 13. The board of trustees shall establish and maintain a capital reserve fund for the purpose of financing necessary facility maintenance and capital improvements, either directly or through the payment of debt service.

Section 14. Sections 3, 4, 5, 5A, 5B, 7, 7C, 8A, 23, 24, 32, 37A, 37B, 37C and 37F of chapter 74 and section 12B of chapter 76 shall not apply to agricultural and technical schools under this chapter or students enrolled at such schools.

Section 15. The board of trustees may procure insurance to cover dismemberment or death and the reasonable hospital, medical and surgical expenses incurred by, or on behalf of, any student enrolled at a school as a result of injuries sustained while participating, practicing or training for participation in athletic or interscholastic sports program of the school.

Section 16. Employees of independent agricultural and technical schools shall suffer no impairment of employment rights held immediately prior to the designation of such institutions as an independent agricultural and technical school pursuant to this chapter. Such employees shall suffer no interruption of service; no impairment of seniority, retirement, civil service or other rights; no reduction in rate of compensation or salary grade; and no change in union representation. All employees shall continue their right to collectively bargain pursuant to chapter 150E and shall be considered public employees within the meaning of section 1 of said chapter 150E, subject to the definitions set forth therein.

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The board of trustees shall serve as the public employer for purposes of said chapter 150E. Rights and obligations under collective bargaining agreements covering such employees that are in effect immediately prior to the designation of an institution as an independent agricultural and technical school shall be assumed by and imposed upon the board of trustees immediately upon such designation. Employees who are subject to such collective bargaining agreements shall continue to be represented by the employee organizations that are parties to such agreements until such times as those employees elect to alter such representation in accordance with said chapter 150E. This section shall not apply to employees of the Essex county agricultural school who, prior to the designation of such school as an independent agricultural and technical school, were employed exclusively in post-secondary educational programs.

The board of trustees shall be responsible for the negotiation of all necessary collective bargaining agreements; provided, however, that collective bargaining negotiations shall include representation from a chief municipal official, or his designee, from every municipality with students enrolled at the school.

Section 17. Employees of a school under this chapter shall be eligible to participate in all group insurance programs and benefits administered by the group insurance commission pursuant to the provisions of section 16 of chapter 34B.

Section 18. Employees of a school under this chapter shall become members of the regional retirement system. Educators certified under section 38G of chapter 71 who are employed by said school and are members of the teachers' retirement system shall continue to be members of the teachers' retirement system under chapter 32.

Section 19. Employees of schools shall be considered public employees for purposes of tort liability under chapter 258, and the board of trustees of a school shall be considered the public employer for purposes of tort liability under said chapter 258.

Section 20. Notwithstanding this chapter or any other general or special law to the contrary, for the purposes of chapter 268A, each school shall be deemed to be a state agency and the appointing official of a member of the board of trustees of such school shall be deemed to be the governor. Members of the board of trustees shall file a disclosure annually with the state ethics commission, the department of education and the governor. The form of the disclosure shall be prescribed by the state ethics commission and shall be signed under penalties of perjury. Such form shall be limited to a statement in which members of the board of trustees shall disclose any financial interest that they or a member of their immediate families, as defined in section 1 of chapter 268A have in any primary or secondary school located in the commonwealth or in any other state or with any person doing business with any primary or secondary school.

Each member of the board of trustees shall file such disclosure for the preceding calendar year with the commission within 30 days after becoming a member of the board of trustees, on or before September 1 of each year thereafter that such person is a member of the board of trustees and on or before September 1 of the year after such person ceases to be



a member of the board of trustees; provided, however, that no member of the board of trustees shall be required to file such disclosure for the year in which he or she ceases to be a member of the board of trustees if he or she served less than 30 days in such year.

**Section 21.** The department of education may adopt regulations for the operation, maintenance, improvement and development of independent agricultural and technical schools.

**Section 22.** All post-secondary programs offered by the Essex Independent Agricultural and Technical Institute shall be transferred to the administration of North Shore Community College. Not later than July 31, 2000, the board of trustees of said institute and said college shall, in consultation with the secretary of administration and finance, enter into a cooperative agreement with said college regarding the use of school facilities for continued operation of such post-secondary programs on the campus of said institute and the payment of reasonable charges by said college for such use. Any employees of said institute who are employed exclusively for post-secondary education shall be transferred pursuant to chapter 34B and become employees of said community college. Tuitions paid for said associate degree program shall be collected by said community college. Employees who are transferred to and become employees of said community college pursuant to this section shall suffer no interruption of service, no impairment of retirement rights and no reduction in rate of compensation or salary grade. Said employees shall be public employees for purposes of section 1 of chapter 150E, subject to the definitions contained therein. Employees in a post-secondary program transferred to said community college pursuant to this provision, who hold professional staff or faculty positions, shall become members of the faculty or professional staff bargaining unit and shall be represented for collective bargaining purposes by the employee organization that represents such unit until such time as the employees in that bargaining unit elect to alter such representation in accordance with said chapter 150E. Such employees shall be eligible for all rights and benefits available to similarly situated employees of said community college, provided that for the purpose of eligibility for any rights or benefits, all years of service provided in a post-secondary program at the Essex Agricultural and Technical Institute shall be considered as years of service rendered at North Shore community college.

**SECTION 192.** Section 12B of chapter 76 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

If the student attends the public schools of another town and it is anticipated that the student shall need the services of a private day or residential school, an individual education plan team meeting shall be convened by the school district in which the child is attending school. The school district in which the student attends school shall notify the school district where the student resides of the team meeting at least five school days prior to the meeting. Personnel from the district in which the child resides shall be allowed to participate in the team meeting concerning future placement of the child.

**SECTION 193.** Section 19C of chapter 78 of the General Laws, as appearing in the



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1998 Official Edition, is hereby amended by striking out, in line 29, the words "\$1.60 per capita" and inserting in place thereof the following words:- \$1.70 per capita.

**SECTION 194.** Said section 19C of said chapter 78, as so appearing, is hereby further amended by striking out, in line 30, the words "\$1.75 per capita" and inserting in place thereof the following words:- \$1.86 per capita.

**SECTION 195.** Said section 19C of said chapter 78, as so appearing, is hereby further amended by striking out, in line 31, the words "\$2.07 per capita" and inserting in place thereof the following words:- \$2.20 per capita.

**SECTION 196.** Said section 19C of said chapter 78, as so appearing, is hereby further amended by striking out, in line 32, the words "\$2.26 per capita" and inserting in place thereof the following words:- \$2.41 per capita.

**SECTION 197.** Section 2B of chapter 85 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 17, the word "forty-eight" and inserting in place thereof the following words:- up to and including 53.

**SECTION 198.** Section 8E of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "eighteen" and inserting in place thereof the following figure:- 16.

**SECTION 199.** Section 19 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 and 42, the word "forty-eight", each time it appears, and inserting in place thereof, in each instance, the following figure:- 53.

**SECTION 200.** Section 19F of said chapter 90, as so appearing, is hereby amended by striking out, in line 10, the word "forty-eight" and inserting in place thereof the following figures:- 53.

**SECTION 201.** Chapter 90 of the General Laws is hereby amended by inserting after section 19J, as appearing in the 1998 Official Edition, the following section:-

Section 19K. For the purposes of this section only, the term "hitching mechanism" shall mean the lift cylinder and the lift arm. Nothing in this section shall apply to state, county, or municipally owned or operated vehicles. Between May 15 and October 15 of each year, the owner of any motor vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow shall have removed the plow and hitching mechanism used with said plow. Vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces, shall only be required to have the plow removed, if the hitching mechanism is in the folded flat position while the vehicle is in operation. If snowfall occurs prior to October 25 or after May 15 a vehicle subject to this section may be re-equipped with the plow and any apparatus necessary for clearing snow, but said vehicle shall abide by the provisions of this section within 72 hours of the conclusion of said snowfall. Any individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined \$250 for the second offense and \$500 and revocation of the vehicle's registration for the third offense. The revocation of a

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vehicle's registration due to a third offense shall remain in effect until such time as said vehicle is in compliance with this section. This section shall not apply to hitching mechanisms which are permanently affixed through welding or other means, prior to the effective date of this section. It shall be unlawful, and punishable by the same fines and revocations aforementioned, for any person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.

The registry of motor vehicles shall, within 180 calendar days of the effective date of this section, develop a list of makes and models of hitching mechanisms that fold flat leaving no protruding surfaces. The registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby the registry of motor vehicles may ensure a motor vehicle's compliance with this section following a third offense.

**SECTION 202.** Section 9B of chapter 93 of the General Laws is hereby repealed.

**SECTION 203.** Section 27 of chapter 94C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out subsection (f) and inserting in place thereof, the following subsection:-

(f) The department of public health may promulgate rules and regulations for the implementation regarding the exchange of needles for the purpose of preventing the transmission of communicable diseases. Distribution or possession of needles and syringes in accordance with this section shall not be deemed in violation of this chapter.

Before implementing a needle exchange program in a municipality, the commissioner of public health shall create a community advisory committee. Said committee shall consist of seven residents of the municipality. Five of the members shall be appointed by the chief executive officer of said municipality, and shall include one representative of the board of health and one representative of the police department. The commissioner of public health shall appoint the remaining two members. The community advisory committee will have 60 days to solicit community input relating to implementation of the needle exchange program, and shall report its findings to the commissioner of public health at the end of the 60 day period. No final decision on the implementation of a needle exchange program shall be made before the end of the 60 day period.

**SECTION 204.** Section 32I of said chapter 94C, as so appearing, is hereby amended by adding the following subsection:-

(d) Subsections (a) and (b) shall not apply to a person possessing or distributing needles and syringes pursuant to subsection (f) of section 27.

**SECTION 205.** Chapter 111 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 51F the following section:-

Section 51G. An acute-care hospital, as defined in section 25B, shall, upon the discharge of any patient requiring acute rehabilitation hospital services, simultaneously furnish such patient the names and locations of at least three providers of such services within a 20-mile radius of the acute-care hospital, except in such cases where there are less than three acute rehabilitation hospitals within said distance. Such information provided to

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a patient shall be incorporated into the medical records of such patient and only such information regarding notice to patients relative to the location of rehabilitation hospitals shall be made available to any of the acute rehabilitation hospitals for determination of fairness, objectivity and equality. In the event of unfairness or inequality as confirmed by the department of public health, a penalty shall be imposed for not less than \$5,000 per discharge and shall be considered an act of discrimination.

**SECTION 206.** Section 215 of chapter 111 of the General Laws is hereby repealed.

**SECTION 207.** The General Laws are hereby amended by inserting after chapter 111J the following chapter:-

### **CHAPTER 111K.**

#### **CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND COMMISSION.**

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Catastrophic illness", pediatric cancer, or any illness or condition treated at a pediatric specialty hospital, including ambulatory care and services provided by or ordered through such a hospital, the medical expenses of which are not covered by any other state or federal program, including the uncompensated care pool established by section 18 of chapter 118G, or any insurance contract and which exceed 10 per cent of the first \$100,000 of annual income of a family and 15 per cent of any family income in excess of \$100,000.

"Child", a person 18 years of age or under.

"Commission", the catastrophic illness in children relief fund commission.

"Department", the department of public health.

"Family", a child and the child's parent, parents or legal guardian, as the case may be, who is legally responsible for the child's medical expenses.

"Fund", the Catastrophic Illness in Children Relief Fund established pursuant to section 2ZZ of chapter 29.

"Income", all income, from whatever source derived, actually received by a family, excluding payments received from the fund.

"Resident", a resident of the commonwealth.

Section 2. (a) There is hereby established a catastrophic illness in children relief fund commission within the department of public health. The commission shall consist of the secretary of health and human services, the commissioner of public health, the commissioner of insurance and the state treasurer, who shall be members ex officio, and seven public members who shall be residents of the commonwealth, three of whom shall be appointed by the governor, one of whom shall be a representative of the AFL-CIO and four of whom shall be appointed upon the recommendation of the attorney general, including two of whom shall be providers of health care services to children in the commonwealth. The public members shall serve terms of five years, but the three public members first appointed by the governor shall serve for terms of two, three and four years, respectively.



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(b) Each public member shall hold office for the term of his appointment and until his successor has been appointed and qualified. A member of the commission is eligible for reappointment.

(c) Each ex officio member of the commission may designate an employee of his department to represent him at meetings of the commission, and each designee may lawfully vote and otherwise act on behalf of the ex officio member for whom he constitutes the designee. Any designation shall be in writing delivered to the commission and filed with the secretary of state. The designation shall continue in effect until revoked or amended in the same manner as provided for in the initial designation.

Section 3. (a) Each public member of the commission may be removed from the office by the governor for cause, after a public hearing, and may be suspended by the governor pending the completion of the hearing. Before entering upon their duties, members of the commission shall take and subscribe an oath to perform the duties of the office faithfully, impartially and to the best of their ability. A record of oaths shall be filed with the secretary of state.

(b) Any vacancies in the membership of the commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment, but for the unexpired term only.

Section 4. (a) The members shall elect a chairperson and chief executive officer of the commission who shall be one of the public members of the commission. The commission shall by rule determine the term of office of the chairperson and chief executive officer. The members shall elect a secretary and a treasurer who need not be members of the commission and the same person may be elected to serve as both secretary and treasurer.

(b) The powers of the commission shall be vested in its members in office from time to time and seven members of the commission shall constitute a quorum at any meeting. Actions may be taken and motions and resolutions adopted by the commission at any meeting by the affirmative vote of at least seven members of the commission. A vacancy in the membership of the commission shall not impair the right of a quorum to exercise all the powers and perform all the duties of the commission.

(c) The members of the commission shall serve without compensation, but the commission shall reimburse its members for the reasonable expenses incurred in the performance of their duties based upon the monies available in the fund.

(d) The commission shall be appointed not later than November 1, 2000 and shall organize as soon as may be practicable after the appointment of its members.

Section 5. The commission shall have the following powers and duties:-

(a) to establish a program to administer the fund and authorize the payment or medical reimbursement of the medical expenses of children with catastrophic illnesses;

(b) to establish procedures for applying to the fund, determining the eligibility for the payment or reimbursement of medical expenses for each child and processing claim disputes;

(c) to establish procedures for reimbursement of the fund where a family, after receiving assistance from the fund, recovers the costs for a child's medical expenses from



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a catastrophic illness pursuant to a settlement or judgment in a legal action;

(d) to establish the amount of reimbursement for the medical expenses of each child using a sliding fee scale based on a family's ability to pay for medical expenses, which takes into account family size, family income and assets and family medical expenses;

(e) to adjust the financial eligibility criteria established pursuant to section 1 based upon the monies available in the fund;

(f) to disseminate information on the fund and the program to the public; and

(g) to maintain confidential records on each child who applies for assistance under the fund.

Section 6. The commission may negotiate or settle a claim that the fund maintains for reimbursement against a family who has received assistance for the medical expenses of a child with a catastrophic illness and who has recovered damages in a legal action for such expenses. A reimbursement shall be less the expense of any recovery by the family. Money recovered pursuant to this section shall be deposited in the fund.

Section 7. A child who is a resident of the commonwealth shall be eligible, through his or her parent or guardian, to apply to the program. As part of the application process, the commission shall screen each applicant for other sources of coverage and for potential eligibility for government programs, and to document the results of such screening. If the commission determines that an applicant is potentially eligible for Medicaid or another government program, the commission shall assist the applicant in applying for benefits under such program.

Section 8. Whenever a child has a catastrophic illness and is eligible for the program, the child, through his parent or guardian, may receive financial assistance from monies in the fund subject to the rules and regulations established by the commission and the availability of monies in the fund. The financial assistance shall include, but is not limited to, payments or reimbursements for the costs of medical treatment, hospital care, prescription drugs, nursing care and physician services.

Section 9. For the purposes of providing the monies necessary to establish and meet the purposes of the fund, the commission shall receive out of an employer's health insurance contribution under section 14G of chapter 151A \$1 annually for each employee whose wages determine such employer's total unemployment health insurance contribution under said section 14G of said chapter 151A. Said contribution shall be collected by the deputy director of employment and training and paid over to the state treasurer for deposit in the fund annually as provided by the commission.

Section 10. The department of public health, in consultation with the division of medical assistance, the division of health care finance and policy and the department of mental health, shall take all necessary steps to maximize and coordinate the availability of federal financial participation under Title XIX of the Social Security Act for the program established by this chapter to the extent that expenditures under such program are considered expenses incurred for medical assistance within the meaning of 42 U.S.C. §1396d(a).

Section 11. The commission shall report annually to the governor and the senate and house committees on ways and means. The report shall include information about the number of participants in the program, average expenditures per participant, the nature and type of catastrophic illnesses for which the fund provided financial assistance and the average income and expenditures of families who receive financial assistance under the program. The commission shall also make recommendations for changes in the law and regulations governing the fund.

**SECTION 208.** Section 1 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "of registration".

**SECTION 209.** Said section 1 of said chapter 112, as so appearing, is hereby further amended by striking out, in line 3, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 210.** Chapter 112 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 24B the following four sections:-

Section 24C. (a) A person who desires to become registered as a pharmacy technician shall, upon payment of a fee as determined annually by the commissioner of administration under the provision of section 3B of chapter 7, apply to the board of registration in pharmacy, herein and in sections 24 to 42A, inclusive, called the board, and be entitled to consideration by the board if such person meets the education, experience and examination requirements as established and adopted by the board.

(b) The board may adopt rules and regulations governing the practice of pharmacy technicians to promote the public health, safety and welfare including, but not limited to, adopting regulations establishing continuing education requirements for license renewal.

(c) The board may, without examination, register as a pharmacy technician any applicant who is duly licensed or registered under the laws of any state or territory of the United States, the District of Columbia or the commonwealth of Puerto Rico, where the requirements for licensure or registration are in the opinion of the board equivalent to those in the commonwealth.

(d) Each pharmacy technician shall register biennially and in the year designated by the board.

Section 24D. The board shall investigate all complaints relating to the practice of pharmacy technicians. The authority granted to the board in sections 24 to 42A, inclusive, shall include the licensure and discipline of pharmacy technicians and the board may exercise such authority and conduct hearings regarding complaints in the same manner as it exercises regarding pharmacists.

Section 24E. No person shall hold himself out as a pharmacy technician registered by the board of pharmacy unless that person is registered in accordance with the provisions of this chapter.

Any person acting or purporting to act as a pharmacy technician registered by the board of pharmacy without being registered to practice under this chapter shall be guilty of

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a misdemeanor and upon a conviction shall be punished by a fine of not more than \$5,000 or by imprisonment for a term not to exceed one year or both. Upon conviction of a subsequent violation, such person shall be punished by a fine of not more than \$10,000 or by two years imprisonment or both.

Section 24F. Each registered pharmacy technician shall immediately give written notification to the board of the change of address and apply for an amended license. Each licensee shall also advise the board in writing of his current mailing address.

**SECTION 211.** Section 61 of said chapter 112, as so appearing, is hereby amended by striking out, in line 3, the word "registration" and inserting in place thereof the following words:- professional licensure.

**SECTION 212.** Section 201 of said chapter 112, as appearing in section 3 of chapter 146 of the acts of 1999, is hereby amended by striking out the definition of "Division" and inserting in place thereof the following definition:-

"Division", the division of professional licensure.

**SECTION 213.** Section 202 of chapter 112 of the General Laws, as added by section 116 of chapter 127 of the acts of 1999 is hereby amended by striking out clause (7) thereof and inserting in place thereof the following clause:-

(7) to conduct administrative proceedings in accordance with chapter 30A regarding disciplinary matters; provided however, that the provisions of subsection 12 of said chapter shall not apply to these proceedings.

**SECTION 214.** Section 205 of chapter 112 of the General Laws, as added by section 116 of chapter 127 of the acts of 1999, is hereby amended by inserting, after line 14, the following additional paragraphs:-

Such disciplinary action against an applicant or licensee may include any or all of the following actions:-

- (a) denial, suspension, revocation or cancellation of, or refusal to renew such license;
- (b) placement of such a license on probation;
- (c) reprimanding or censuring the holder of such license;
- (d) assessing upon the holder of such license a fine not to exceed \$5,000 for each violation;
- (e) requiring the holder of such license to perform, for each violation, up to 100 hours of community service in a manner and time to be determined by the board;
- (f) requiring the holder of such license to complete additional education and training as a condition of retention or reinstatement of such license, or requiring an applicant for such license to complete additional education and training as a condition for future consideration of such application;
- (g) requiring the holder of such license to practice under appropriate supervision for a period of time as determined by the board as a condition of retention or reinstatement of such license, or requiring an applicant for such license to practice under appropriate supervision for a period of time as determined by the board as a condition for future consideration of that application;

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(h) requiring the holder of such license to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition of retention or reinstatement of such license, or requiring an applicant for such license to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition for future consideration of such application; and

(i) requiring the holder of such license to make restitution of not more than \$50,000, where appropriate.

Nothing in this section shall be deemed a limitation on the board's authority to impose such sanctions by consent agreement as are deemed reasonable and appropriate by the board.

Any person aggrieved by any disciplinary action taken by the board pursuant to this section may, pursuant to section 64 of chapter 112, file a petition for judicial review of such disciplinary action with the supreme judicial court. The supreme judicial court shall have exclusive jurisdiction over all such petitions and any such petition shall be reviewed in accordance with the standards for review provided in paragraph (8) of section 14 of chapter 30A.

**SECTION 215.** Chapter 112 of the General Laws is hereby further amended by inserting after section 215 the following section:-

Section 215A. (a) Any person or firm adversely affected by any order of the board entered after a hearing may obtain review thereof by filing a complaint for review with the supreme judicial court within 30 days of said order. The procedures for review, and the scope of the review, shall be as specified in chapter 30A, except that the provisions of section 12 of said chapter 30A shall not apply to this review.

(b) After issuing an order for revocation or suspension, the board may file a complaint in the superior court for the county in which the respondent resides or conducts his practice or in Suffolk County, to insure appropriate injunctive relief to expedite the secure enforcement of its order.

**SECTION 216.** Said section 216 of said chapter 112, as appearing in section 2 of chapter 44 of the acts of 2000 is hereby further amended by adding the following two paragraphs:-

Any person acting or purporting to act as a licensed perfusionist without first obtaining a license to practice under this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than one year, or by both such fine and imprisonment. A second or subsequent conviction shall be punished by a fine of not more than \$10,000 or by two years imprisonment in the house of correction, or by both such fine and imprisonment.

Any person who receives money or the equivalent thereof as a fee, commission, compensation or profit by unlicensed practice shall, in addition to any other penalty, be liable for a fine of not less than the sum of money so received and not more than three times the sum so received as may be determined by the board.

**SECTION 217.** Said chapter 112 is hereby further amended by inserting after section 219 the following section:-



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Section 220. Each licensed perfusionist shall advise the board of the address of his principal place of business and other addresses at which he is currently engaged in business. Each licensee shall immediately give written notification to the board of any change of address and apply for an amended license. Each licensee shall also advise the board in writing of his current residential address.

**SECTION 218.** Section 1 of chapter 115 of the General Laws, as so appearing, is hereby amended by striking out, in line 45, the word "or".

**SECTION 219.** Said section 1 of said chapter 115, as so appearing, is hereby further amended by inserting after the word "commonwealth", in line 51, the following words:- ; or (f) meets all requirements of said clause Forty-third, except that instead of performing wartime service. as so defined, such person served at least one year of continuous active duty as a member of the armed forces of the United States of America, excluding active duty for the training in the national guard or reserves but the last discharge or release from such active duty was under honorable conditions. Any person who served during such active duty and was awarded a service connected disability by the United States Department of Veterans Affairs, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran for the purpose of receiving benefits under this chapter notwithstanding the failure to complete one year of continuous active duty.

**SECTION 220.** Section 1 of chapter 117A of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A person eligible for public assistance, as determined under this chapter, who is not maintaining his home, but is receiving care in a licensed nursing home, a licensed chronic hospital, a licensed rest home, or in an approved public medical institution, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$66.40, the recipient shall be paid monthly in advance the difference between such income and \$66.40. Effective July 1, 2000, this amount shall be increased at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving state supplemental payments under sections 1 and 2 of chapter 118A.

**SECTION 221.** Chapter 118 of the General Laws is hereby amended by adding the following section:-

Section 12. Under section 115(d)(1)(A) of the Federal Personal Responsibility and Work Opportunity Reconciliation Act, 21 U.S.C. section 862a(d)(1)(A), the commonwealth hereby exempts all individuals domiciled in the commonwealth from section 115(a) of the Act, 21 U.S.C. section 862a(a). Benefits under said section 115 shall not be provided to any individual who fails to comply with the terms of a sentence, parole or probation.

**SECTION 222.** Section 15 of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph, the following paragraph:-

A person eligible for public assistance, as determined under the provisions of this chapter, who is not maintaining his own home, but is receiving care in a licensed nursing

home, a licensed chronic hospital, a licensed rest home, or in an approved public medical institution, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$66.40, the recipient shall be paid monthly in advance the difference between such income and \$66.40. Effective July 1, 2000, this amount shall be increased at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving supplemental payments under sections 1 and 2 of chapter 118A; provided, that the division of health care and finance policy shall conduct a study and review of the cost of all personal needs items paid for by residents that are not covered by the division of medical assistance. Said study shall be completed within 60 days of the effective date of this paragraph. The division of health care and finance policy shall submit a report on the results of said study and review to the respective committee on ways and means of the house of representatives and senate not later than December 31, 2000.

**SECTION 223.** Subsection (2) of section 16C of chapter 118E of the General Laws, as so appearing, is hereby amended by adding the following sentence:- All children in the child health insurance program shall receive pharmacy benefits from the division of medical assistance.

**SECTION 224.** Section 22 of said chapter 118E, as so appearing, is hereby amended by inserting after the word "claimant", in lines 11, 12, and 18, each time it appears, the following words, in each instance:- or the claimant's heirs, estate, or legal representative.

**SECTION 225.** Said chapter 118E is hereby amended by inserting after section 41, as so appearing, the following section:-

Section 41A. Notwithstanding section 41 or any other general or special law to the contrary, the division shall be entitled to retain any secondary discount offered by manufacturers or suppliers of durable medical equipment; provided, the division complies with the terms of payment set by the manufacturer or supplier. A provider of durable medical equipment shall be entitled to retain a secondary discount offered by manufacturers or suppliers of durable medical equipment if the division does not comply with the terms of payment set by the manufacturer or supplier of said equipment.

This section shall apply to all claims submitted to the division by any provider of durable medical equipment on or after July 1, 2000.

**SECTION 226.** Said chapter 118E is hereby further amended by striking out section 46A, as so appearing, and inserting in place thereof the following section:-

Section 46A. Any provider making a claim for payment under any medical assistance program administered by the division, which is not submitted in compliance with the billing policies and procedures of said program, shall not be considered in violation of sections 39 to 46, inclusive, for purposes of eligibility pursuant to section 36, upon submission of proof, to the satisfaction of the commissioner, that the submission of the claim was due solely to a clerical or administrative error.

**SECTION 227.** The General Laws are hereby amended by inserting after chapter 121C the following chapter:-

**CHAPTER 121D.  
AFFORDABLE HOUSING TRUST FUND.**

Section 1. As used in this chapter, the following terms shall have the following meanings:-

"Agency", the Massachusetts Housing Finance Agency, established by section 3 of chapter 708 of the acts of 1966.

"Committee", the advisory committee established by section 4.

"Fund", the Affordable Housing Trust Fund established by section 2.

Section 2. (a) There shall be a separate fund to be known as the Affordable Housing Trust Fund, which shall be sited within the Department of Housing and Community Development. The Department shall enter into a contract with the Massachusetts Housing Finance Agency for the administration of the fund, according to guidelines promulgated by the Department and in consultation with the advisory committee. The fund shall assist in the creation and preservation of affordable housing in the commonwealth, for the benefit of households whose incomes are not more than 110 per cent of median income as determined by the federal Department of Housing and Urban Development. The fund shall be an expendable trust fund and shall not be subject to appropriation.

(b) There shall be credited to the fund, revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and gifts, grants, private contributions, repayment of loans, investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the general fund.

(c) The agency shall maintain the fund as a separate fund, and shall cause it to be audited by an independent accountant on an annual basis in accordance with accepted accounting principles.

(d) The agency shall administer assistance from the fund for projects owned or sponsored by non-profit or for-profit organizations, including but not limited to projects that involve complex multiple-source financing or the preservation of existing affordable housing; provided, however, that no such assistance shall be permitted unless the sponsor thereof is current on all existing mortgage obligations with the commonwealth or any subdivision thereof. The agency shall enter into agreements with the Community Economic Development Assistance Corporation to administer assistance from the fund for projects owned or sponsored by nonprofit organizations, after consulting the advisory committee established by section 4.

Section 3. (a) The fund shall finance low and no interest loans, grants, subsidies, credit enhancements and other financial assistance for community affordable and mixed-income housing developments and shall pay for administering the fund; provided, however, that such assistance shall be the minimum amount necessary to make a project feasible. Activities eligible for assistance from the fund include, but are not limited to:



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(1) Capital grants and deferred payment loans for new construction, rehabilitation, or acquisition of housing units;

(2) Capital grants and deferred payment loans for new construction, rehabilitation, or acquisition of permanent housing or transitional housing units for homeless families and individuals;

(3) Mortgage insurance guarantees and other credit enhancements for eligible projects;

(4) Projects making affordable housing more accessible to senior citizens and people with disabilities;

(5) Matching funds for municipalities that sponsor affordable housing initiatives;

(6) Down payment and closing cost assistance for first-time home buyers;

(7) Matching funds for employer-based programs to assist employees in meeting their rental and homeownership housing costs; and

(8) Repair, rehabilitation and modernization of existing public housing units. The fund shall expend for this purpose not more than \$5 million per year.

(b) Organizations that may receive assistance from the fund include governmental subdivisions, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, for-profit entities and private employers. Preference shall be given to nonprofit organizations, to organizations sponsoring projects that secure private funds and to projects with the longest-term affordability restrictions.

(c) Housing units constructed, rehabilitated, or acquired using funds from the fund shall remain affordable for the longest period reasonably achievable and consistent with affordability restrictions as part of the development's other funding sources. In the absence of other affordability restrictions, housing units constructed, rehabilitated, or acquired using funds from the fund shall remain affordable for not less than 30 years.

(d) The fund shall give special attention to the preservation of developments which are or were subject to prepayment of a state or federally assisted mortgage or which are receiving project-based rental assistance under section 8 of the United States Housing Act of 1937, 42 U.S.C. section 1437f, and such rental assistance is expiring; provided, however, that such funding priority shall be based on at-risk criteria to be determined by the Department of Housing and Community Development in conjunction with the Massachusetts Housing Finance Agency and set forth in regulations promulgated by the Department.

Section 4. (a) There shall be established an advisory committee to the fund, which shall make policy recommendations to the agency and to the department of housing and community development regarding the fund's program and funding activities.

(b) The committee shall be comprised of the following 15 members: the director of the Department of Housing and Community Development or his designee; the executive director of the Massachusetts Housing Partnership Fund or his designee; the executive director of the Community Economic Development Assistance Corporation or his designee; two municipal officials appointed by the Massachusetts Municipal Association, one of whom



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shall be from a city and one of whom shall be from a town; one lender experienced in the financing of affordable housing and one for-profit developer of affordable housing, each appointed by the agency; an executive director of a local housing authority appointed by the Massachusetts chapter of the National Association of Housing and Redevelopment Officials; and a representative appointed by each of the following organizations: the Citizens' Housing and Planning Association, Inc., the Massachusetts Affordable Housing Alliance, the Massachusetts Association of Community Development Corporations, the Massachusetts Nonprofit Housing Association, the Massachusetts Housing and Shelter Alliance and the Greater Boston Interfaith Organization. Committee members shall serve at the pleasure of the appointing authorities.

(c) Chapter 268A shall apply to committee members as special state employees, but the fund may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any committee member is in any way interested or involved, if such interest or involvement is disclosed in advance to the members of the committee and recorded in the minutes of the committee meeting. No committee member having such an interest or involvement may participate in any action of the committee relating to such person. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

Section 5. The Massachusetts Housing Finance Agency shall, as part of its annual report requirement set forth in section 14 of chapter 708 of the Acts of 1966, detail all expenditures from the fund, including but not limited to the recipient of the funds, the cost of administration, and the number of units constructed, acquired and rehabilitated.

**SECTION 228.** Section 1 of chapter 124 of the General Laws, as amended by section 132 of chapter 127 of the acts of 1999, is hereby further amended by adding the following two clauses:-

(s) adopt policies and procedures establishing reasonable medical and health service fees for the medical services that are provided to inmates at any state jail or correctional facility. Except as otherwise provided, the commissioner may charge each inmate a reasonable fee for any medical and mental health services provided, including prescriptions, medication, or prosthetic devices. The fee shall be deducted from the inmate's account as provided for in section 48A of chapter 127. The commissioner shall exempt the following inmates from payment of medical and health services fees: medical visits initiated by the medical or mental health staff, consultants, or contract personnel of the department, prisoners determined to be terminally ill, pregnant, or otherwise hospitalized for more than 30 days successively during the term of incarceration and juvenile inmates and inmates who are undergoing follow-up medical treatment for chronic diseases. Notwithstanding any other provision of this section, an inmate shall not be refused medical treatment for financial reasons. The commissioner shall also establish criteria for reasonable deductions from moneys credited to the inmate's account as provided for in section 48A of chapter 127 to repay the cost of medical treatment for injuries that were self-inflicted or inflicted by the inmate on others.

(t) in accordance with clause (s), the commissioner shall as part of the rules and regulations on payments for medical services, require the department of corrections or the county correctional facility to ascertain whether any inmate seeking medical services has health insurance coverage and if said inmate does have health insurance coverage, said health insurance plan shall be billed for any services provided.

**SECTION 229.** Section 1 of chapter 125 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "Monroe", in line 36, the following words:- , or any correctional facility owned by the commonwealth which accepts inmates from more than one county or former county.

**SECTION 230.** Section 133A of said chapter 127, as so appearing, is hereby amended by inserting after the word "membership", in line 7, the following words:- unless a member of the board is determined to be unavailable as provided in this section. For the purposes of this section, the term unavailable shall mean that a board member has a conflict of interest to the extent that he cannot render a fair and impartial decision or that the appearance of a board member would be unduly burdensome because of illness, incapacitation, or other circumstance. Whether a member is unavailable for the purposes of this section shall be determined by the chair. Board members shall appear unless said chair determines them to be unavailable. Under no circumstances shall a parole hearing proceed pursuant to this section unless a majority of the board is present at the public hearing. Unless a board member is unavailable due to a conflict of interest, any board member who was not present at the public hearing shall review the record of the public hearing and shall vote in the matter.

**SECTION 231.** Section 6 of chapter 131A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out subsections (c) and (d) and inserting in place thereof the following three subsections:-

(c) Any person who violates section 2 or any rule or regulation adopted under this chapter shall be subject to a civil assessment not to exceed \$10,000 for each such violation. The civil assessment may be asserted in an action brought on behalf of the commonwealth in a court of competent jurisdiction.

The superior court shall have jurisdiction to enjoin violations of, or to grant such additional relief as it deems necessary or appropriate to secure compliance with this chapter upon petition of the director or the attorney general.

(d) The commission of a prohibited act with respect to each individual animal or plant, or part thereof, shall constitute a separate violation.

(e) All fines and assessments received on account of litigation or settlement thereof for a violation of this chapter or the regulations promulgated thereunder shall be paid to the commonwealth and shall be deposited into the Natural Heritage Endangered Species Fund established pursuant to section 35D of chapter 10 for the purpose of aiding in the protection and enhancement of rare, threatened and endangered species in the commonwealth.

**SECTION 232.** The second sentence of subsection (b) of section 7A of chapter 132B of the General Laws, as appearing in section 12 of chapter 85 of the acts of 2000, is

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hereby amended by inserting after the word "dealer" the following words:- , one certified arborist.

**SECTION 233.** Section 129B of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 169 through 171, inclusive, the words "and shall expire on the anniversary of the cardholder's date of birth occurring not less than three years but not more than four years from the date of issue".

**SECTION 234.** Subsection (1) of section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by adding the following definition:-

"Owner's representative", the official or firm designated by the public agency who shall have appropriate fiscal, procurement and construction experience and shall serve as the focal point of responsibility and accountability on the project from the study and design phases through the completion of construction of the building project. Such responsibilities shall include, but not be limited to, coordinating communication among the project participants, monitoring the project budget and schedule and maintaining a central file for project records. By January 1, 2002, every owner's representative subject to this section shall have obtained certification through the Massachusetts Certified Public Purchasing Official Program administered by the office of the inspector general. The owner's representative shall be a state, county or municipal employee pursuant to chapter 268A with respect to any project for which that official, person or firm serves as the owner's representative.

**SECTION 235.** Said section 44A of said chapter 149, as so appearing, is hereby further amended by adding the following subsection:-

(6) For any contract for construction, reconstruction, installation, demolition, maintenance or repair of any building awarded pursuant to this section, and estimated by the awarding authority to cost more than \$500,000, the awarding authority shall, as a condition for the disbursement and acceptance of any funding from the commonwealth, employ or contract with an owner's representative, as defined in subsection (1).

**SECTION 236.** Section 44D of said chapter 149, as so appearing, is hereby amended by inserting, after the word "contract", in line 39, the following words:- , the nature of any financial, personal or familial relationship to any public or private construction project owners listed on the application as constituting prior construction experience.

**SECTION 237.** Said section 44D of said chapter 149, as so appearing, is hereby further amended by striking out, in line 55, the words "forty-four C" and inserting in place thereof the following words:- 44C and shall subject the applicant to the punishments for perjury as set forth in section 1 of chapter 268.

**SECTION 238.** Said section 44D of said chapter 149, as so appearing, is hereby further amended by inserting after the word "contractor", in line 104, the following words:- or reduce the classes of work and amount of work on which the contractor is eligible to bid.

**SECTION 239.** Said section 44D of said chapter 149, as so appearing, is hereby further amended by striking out subsection (7) and inserting in place thereof the following



subsection:-

(7) The division of capital asset management and maintenance shall develop a standard contractor evaluation form that shall be completed by every public agency as defined in section 44A, upon completion of a building project under its control, and submitted to the division for the contractor's qualification file. The official from the public agency, or the owner's representative, shall certify that the information contained on the contractor evaluation form represents, to the best of his knowledge, a true and accurate analysis of the contractor's performance record on that contract. The public agency shall mail a copy of the contractor evaluation form to the contractor and the contractor shall, within 30 days, submit a written response to the division disputing any information contained in the evaluation form and setting forth any additional information concerning the building project or the oversight of the contract by the public agency that may be relevant to the evaluation of the contractor's performance on the contract. The division shall attach any such response to the evaluation form for inclusion in the contractor's qualification file. No person shall be liable for any injury or loss to a contractor as a result of the completion of a contractor evaluation form as required by this section unless the individual completing the form has been found by a court of competent jurisdiction to have acted in a willful, wanton or reckless manner. If a suit is commenced by a contractor against a public employee, an owner's representative, an architect or an engineer who has completed a contractor evaluation form as required by this section seeking to recover damages resulting from injury caused by such evaluation, the public agency for whom such evaluation form was completed, or the commonwealth if such evaluation was completed for a state agency, shall provide for the legal representation of said employee, owner's representative, architect or engineer. Such public agency, or the commonwealth, shall also indemnify such person from all financial loss and expenses, including but not limited to legal fees and filing costs, in an amount not to exceed \$1,000,000. No such person shall be indemnified for losses other than legal fees and filing costs under this section if such person is found by a court or a jury to have acted in a willful, wanton or reckless manner.

At approximately the 50 per cent completion stage of a building project under its control, the awarding authority shall advise the contractor in writing of the awarding authority's preliminary evaluation of the contractor's performance on the project for informational purposes.

Any public agency that fails to complete and submit the contractor evaluation form, together with any written response by any contractor, to the division within 70 days of the completion of a project shall be ineligible for the receipt of any public funds disbursed by the commonwealth for the purposes of any public buildings or public works projects.

**SECTION 240.** Paragraph (a) of subsection (1) of section 44F of said chapter 149 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such specifications shall have a separate section for each of the following classes of work if in the estimate of the awarding



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authority such class of work will exceed \$10,000: (a) roofing and flashing; (b) metal windows; (c) waterproofing, damp-proofing and caulking; (d) miscellaneous and ornamental iron; (e) lathing and plastering; (f) acoustical tile; (g) marble; (h) tile; (i) terrazzo; (j) resilient floors; (k) glass and glazing; (l) painting; (m) plumbing; (n) heating, ventilating and air-conditioning; (o) electrical work, including direct electrical radiation for heating; (p) elevators; (q) masonry work; (r) fire protection; (s) excavation and earth removal; and (t) any other class of work for which the awarding authority deems it necessary or convenient to receive sub-bids, provided that the awarding authority may, in addition, receive a combined sub-bid on the marble, tile and terrazzo work, but in that event, the marble, tile and terrazzo work shall each be a class of work for which the sub-bidder must list the information in a clearly designated place on the bid form for that purpose.

**SECTION 241.** Section 14G of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after the word "subsection (k)", in line 16, the following words:- , but \$1 annually for each employee whose wages determine each employer's total unemployment health insurance contribution shall be deposited in the Catastrophic Illness in Children Relief Fund established by section ZZZ of chapter 29.

**SECTION 242.** Said section 14G of said chapter 151A, as so appearing, is hereby amended by inserting after the word "compensation", in line 213, the following words:- , except that \$1 annually for each employee whose wages determine each employer's total unemployment health insurance contribution shall be deposited in the Catastrophic Illness in Children Relief Fund established by section ZZZ of chapter 29. The \$1 contribution shall be made after the Medical Security Trust Fund has met its obligations.

**SECTION 243.** Subsection (k) of said section 14G of said chapter 151A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following three sentences:- The deputy director shall report annually to the governor and the senate and house committees on ways and means. The report shall include information about the number of participants in the Medical Security Trust Fund, along with an estimate of amounts necessary to meet the current obligations of the department and the obligations for a reasonable future period. The deputy director shall also make recommendations for changes in the law and regulations governing the fund.

**SECTION 244.** Section 1 of chapter 185C of the General Laws, is hereby amended by striking out, in lines 2 and 3, the words "division for Hampden county" and inserting in place thereof the following words:- western division, consisting of the cities and towns of Berkshire, Franklin, Hampden and Hampshire counties.

**SECTION 245.** Section 3 of said chapter 185C, as so appearing, is hereby amended by striking out, in line 5, the words "county of Hampden in the case of that division" and inserting in place thereof the following words:- counties of Berkshire, Franklin, Hampden and Hampshire in the case of the western division.

**SECTION 246.** Said section 3 of said chapter 185C, as so appearing, is hereby further amended by striking out, in lines 32 and 33, the words "Hampden county, in the case

of that division" and inserting in place thereof the following words:- Berkshire, Franklin, Hampden and Hampshire counties, in the case of the western division.

**SECTION 247.** Section 4 of said chapter 185C, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The western division of the housing court department shall hold its sittings in the city of Springfield in Hampden county and at least one sitting each week in courthouse facilities in Berkshire, Franklin and Hampshire counties. The court, with the consent of the chief administrative justice and management shall also sit in such other courthouse facilities as the chief justice of the housing court department may deem to be expedient or convenient.

**SECTION 248.** Section 8 of said chapter 185C, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "Hampden county division" and inserting in place thereof the following words:- western division.

**SECTION 249.** Said section 8 of said chapter 185C, as so appearing, is hereby further amended by striking out, in lines 3 and 4, the words "one justice" and inserting in place thereof the following words:- two justices.

**SECTION 250.** Section 9 of said chapter 185C, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The clerk appointed for the western division shall reside in either Berkshire, Franklin, Hampden or Hampshire counties.

**SECTION 251.** Section 1 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "thirteen", and inserting in place thereof the following word:- twenty-one.

**SECTION 252.** Said section 1 of said chapter 211A is hereby further amended by striking out the word "twenty-one", inserted by section 251 of this act, and inserting in place thereof the following word:- twenty-four.

**SECTION 253.** Section 1 of chapter 211B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The trial court, as an administrative unit, shall consist of no more than 372 justices and special justices.

**SECTION 254.** Section 2 of said chapter 211B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be 80 justices appointed to the superior court department, 10 justices appointed to the housing court department, 4 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 11 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 175 justices and special justices appointed to the district court department.

**SECTION 255.** Section 3C of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "nine" and inserting in place thereof the following figure:- 11.

**SECTION 256.** Chapter 217 of the General Laws is hereby amended by striking out section 23A, as amended by section 166 of chapter 127 of the acts of 1999, and inserting in place thereof the following section:-

Section 23A. In addition to the first assistant registers of probate provided for in section 23, the first justices of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court appoint, and may, with the approval of said chief justice, remove assistant registers with the same powers and duties. Said appointments shall be as follows:

- Barnstable, 4 assistant registers
- Berkshire, 1 assistant register
- Bristol, 8 assistant registers
- Essex, 5 assistant registers
- Franklin, 1 assistant register
- Hampden, 3 assistant registers
- Hampshire, 1 assistant register
- Middlesex, 8 assistant registers
- Norfolk, 5 assistant registers
- Plymouth, 5 assistant registers
- Suffolk, 6 assistant registers
- Worcester, 7 assistant registers.

**SECTION 257.** Said chapter 217 is hereby further amended by striking out section 23B, inserted by section 167 of said chapter 127, and inserting in place thereof the following section:-

Section 23B. The registers of probate of the respective courts of the probate and family court department for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more administrative deputy assistants; provided, however that such administrative deputy assistants may be removed at the pleasure of said registers of probate. Said administrative deputy assistants shall meet the definition of both confidential and managerial employees as those terms appear in chapter 150E and shall perform no official judicial duties. Said appointments shall be as follows:

- Barnstable, one administrative deputy assistant.
- Essex, one administrative deputy assistant.
- Franklin, one administrative deputy assistant.
- Hampshire, one administrative deputy assistant.
- Suffolk, two administrative deputy assistants.
- Worcester, one administrative deputy assistant.

**SECTION 258.** Section 28 of said chapter 217, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-



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Subject to the approval of said first justice, the register of probate may designate five employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at his pleasure.

**SECTION 259.** Section 29 of said chapter 217, as so appearing, is hereby amended by striking out, in line 8, the word "two" and inserting in place thereof the following word:- six.

**SECTION 260.** Said section 29 of said chapter 217, as so appearing, is hereby further amended by striking out, in line 11, the words "of six thousand dollars" and inserting in place thereof the following words:- in an amount equal to 15 per cent of the annual salary of the Middlesex county register of probate.

**SECTION 261.** Section 29C of said chapter 217 is hereby further amended by striking out the first sentence, as amended by section 169 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Barnstable probate court may, with the approval of the chief justice of the probate court, designate three employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

**SECTION 262.** Section 29E of said chapter 217 is hereby further amended by striking out the first sentence, as most recently amended by section 170 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Hampden probate court may, with the approval of the chief justice of the probate court, designate six employees of the deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant registers shall receive a salary of \$6,000.

**SECTION 263.** Section 29F of said chapter 217 is hereby further amended by striking out the first sentence, as amended by section 171 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Worcester probate court may, with the approval of the chief justice of the probate court, designate three employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

**SECTION 264.** Section 29H of said chapter 217, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the following word:- three.

**SECTION 265.** Section 6 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word "Brockton", in line 3, the following words:- , the district court of Chicopee.

**SECTION 266.** Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 8, the word "and",- and by striking out, in line 10, the words ", district court of Springfield",- and by inserting after the word "each", in line 12, the following words:- ; and the district court of Springfield shall have four justices.



**SECTION 267.** Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 26, the figure "172" and inserting in place thereof the following figure:- 175.

**SECTION 268.** Said chapter 218 is hereby further amended by striking out section 10, as amended by section 174 of chapter 127 of the acts of 1999, and inserting in place thereof the following section:-

Section 10. The clerk of a district court may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section 53. In courts having one or more assistant clerks, the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in courts the judicial districts of which have, according to the national census last preceding, a population of 60,000 or more, and in the following districts:

- district court of Greenfield;
- district court of southern Berkshire;
- district court of northern Berkshire;
- district court of eastern Essex;
- third district court of Essex;
- district court of Franklin;
- district court of eastern Franklin at Orange;
- district court of eastern Hampden;
- district court of western Hampden;
- district court of eastern Hampshire;
- district court of Marlborough;
- first district court of eastern Worcester;
- second district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed in:

- district court of Chicopee;
- second district court of Barnstable;
- third district court of Barnstable;
- district court of central Berkshire;
- district court of Natick;
- district court of Holyoke;
- district court of central Middlesex;
- first district court of northern Middlesex;
- first district court of northern Worcester;
- second district court of eastern Worcester.

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Three assistant clerks with salaries payable by the commonwealth may be appointed

in:

district court of Peabody;  
fourth district court of Bristol;  
district court of Fitchburg;  
first district court of southern Worcester;  
district court of western Worcester;  
district court of Leominster;  
first district court of Barnstable;  
district court of Hampshire;  
second district court of eastern Middlesex;  
district court of Newton;  
district court of Southern Norfolk;  
municipal court of Brookline.

Four assistant clerks with salaries payable by the commonwealth may be appointed

in:

municipal court of the Brighton district;  
East Boston district court;  
municipal court of the South Boston district;  
municipal court of the Charlestown district;  
fourth district court of eastern Middlesex;  
district court of northern Norfolk;  
third district court of Plymouth;  
district court of western Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed

in:

second district court of Plymouth;  
district court of Newburyport;  
first district court of eastern Middlesex;  
central district court of northern Essex;  
first district court of Bristol;  
district court of southern Essex;  
district court of Lawrence;  
third district court of Bristol.

Six assistant clerks with salaries payable by the commonwealth may be appointed in:

second district court of Bristol;  
district court of Lowell;  
district court of Somerville;  
first district court of Essex;  
first district court of southern Middlesex.

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Seven assistant clerks with salaries payable by the commonwealth may be appointed

in:

fourth district court of Plymouth;  
district court of Chelsea.

Eight assistant clerks with salaries payable by the commonwealth may be appointed

in:

municipal court of the Dorchester district;  
district court of Brockton;  
district court of West Roxbury district;  
district court of East Norfolk.

Nine assistant clerks with salaries payable by the commonwealth may be appointed

in:

central district court of Worcester.

Ten assistant clerks with salaries payable by the commonwealth may be appointed

in:

third district court of eastern Middlesex;  
district court of Springfield.

Twelve assistant clerks with salaries payable by the commonwealth may be appointed

in:

municipal court of the Roxbury district court.

One of the 12 assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks who were appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years prior to the effective date of this act shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section 8 of chapter 211B.

Each assistant clerk appointed prior to January 1, 1987 under the authority of this section and serving continuously in such appointment thereafter shall be entitled to 30 days vacation leave and 30 days sick leave in each calendar year. Any such assistant clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed 60 and the total amount of sick leave so accumulated shall not exceed 180 days; and provided, further, that no additional such days shall be accumulated on or after January 1, 1987 except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section 8 of chapter 211B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section 8.

In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job

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classification and pay plan established, subject to appropriation, by the chief justice of administration and management:

- district court of Chelsea;
- third district court of eastern Middlesex;
- municipal court of the Dorchester district;
- district court of Lowell;
- first district court of southern Middlesex at Framingham;
- district court of East Norfolk;
- central district court of Worcester;
- district court of Newburyport;
- district court of Springfield;
- district court of Brighton;
- second district court of Plymouth.

In the district court of western Worcester, the central district court of Worcester, the district of Lowell, the district court of East Norfolk, the district court of Chelsea and the third district court of eastern Middlesex, the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section 102C of chapter 231. The salary of said assistant clerk shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation by the chief justice for administration and management.

**SECTION 269.** Section 57 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 94, the words "and Peabody divisions" and inserting in place thereof the following word:- division.

**SECTION 270.** Said section 57 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 98, the words "Salem division" and inserting in place thereof the following words:- Salem and Peabody divisions.

**SECTION 271.** Section 58 of said chapter 218, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the following word:- six.

**SECTION 272.** Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 6, the word "three" and inserting in place thereof the following word:- four.

**SECTION 273.** Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 14, the figure "2" and inserting in place thereof the following word:- three.

**SECTION 274.** Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 16, the figure "2" and inserting in place thereof the following word:- three.



**SECTION 275.** Said section 58 of said chapter 218 is hereby further amended by striking out the fourth paragraph, as amended by section 176 of chapter 127 of the acts of 1999, and inserting in place thereof the following paragraph:-

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Suffolk county division held at Boston shall have a first assistant clerk and said division shall have eleven assistant clerks; the Barnstable county division held at Plymouth shall have a first assistant clerk and said division shall have two assistant clerks; the Bristol county division shall have a first assistant clerk and five assistant clerks; the Franklin and Hampshire counties division shall have an assistant clerk; the Essex county division shall have an assistant clerk; the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk; the Hampden division held at Springfield shall have an assistant clerk; the Middlesex county division shall have a first assistant clerk and seven assistant clerks; the Norfolk county division held at Quincy shall have four assistant clerks; the Plymouth county division shall have a first assistant clerk and two assistant clerks; and the Worcester county division shall have a first assistant clerk and two assistant clerks. Said first assistant clerks and assistant clerks shall be appointed by the clerks of said courts, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section 8 of chapter 211B.

**SECTION 276.** Chapter 221 of the General Laws is hereby amended by striking out section 5, as amended by section 177 of said chapter 127, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

- Barnstable, 2 assistant clerks
- Bristol, 9 assistant clerks
- Essex, 11 assistant clerks
- Hampden, 10 assistant clerks
- Nantucket, 1 assistant clerk
- Norfolk, 9 assistant clerks
- Middlesex, 26 assistant clerks
- Plymouth, 6 assistant clerks
- Worcester, 11 assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, 22 assistants; (b) superior court department, by the clerk of the superior court department for civil business, 26 assistants; (c) supreme judicial court, by the

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clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

**SECTION 277.** Section 5 of chapter 221 of the General Laws, as amended by section 177 of the acts of 1999, is hereby further amended by adding the following two paragraphs:-

All other counties having no permanent assistant clerks, assistant clerk pro tempore or for a term of one year.

Assistants pro tempore or for the term of one year appointed under this section shall be paid by the commonwealth.

**SECTION 278.** Section 86A of chapter 223 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 279.** Section 6 of chapter 224 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 280.** Chapter 231 of the General Laws is hereby amended by inserting after section 85Z, as so appearing, the following section:-

Section 85AA. No person duly registered by the department of state police as a search and rescue volunteer who renders assistance in a search and rescue operation under the direct control and instruction of the department and no other person who volunteers in a search and rescue operation and renders assistance, supervised by and under the direct control and instruction of the department shall be liable in any suit for damages as a result of any acts or omissions committed by such person in the course of a search for a missing person, if such person acts in compliance with the Massachusetts state police search and rescue plan, unless such acts or omissions constitute willful, wanton or reckless conduct.

**SECTION 281.** Section 111 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 282.** Section 113 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 283.** Section 117 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "or the housing court of the county of Hampden" and inserting in place thereof the following words:- , the western division of the housing court department, the northeastern division of the housing court department, the southeastern division of the housing court department or the housing court of the county of Worcester.

**SECTION 284.** Said section 117 of said chapter 231, as so appearing, is hereby further amended by striking out, in line 10, the words "or housing court of the county of Hampden" and inserting in place thereof the following words:- , the western division of the housing court department, the northeastern division of the housing court department, the southeastern division of the housing court department, or the housing court of the county of Worcester.

**SECTION 285.** Section 7 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

**SECTION 286.** Said section 7 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 10, the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

**SECTION 287.** Said section 7 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 11 , the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

**SECTION 288.** Section 9 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 25, the words "state treasurer" and inserting in place thereof the following words:- department of the attorney general.

**SECTION 289.** Said section 9 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 26, the words "state treasurer" and inserting in place thereof the following words:- department of the attorney general.

**SECTION 290.** Section 8 of chapter 261 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 291.** Chapter 262 of the General Laws is hereby amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. The maximum fee to be charged by any person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be \$35, regardless of the number of offenses.

If the arrested person is being required to recognize for charges at another court, the bail magistrate shall receive an additional \$10 for each separate recognizance but in no event shall the total fee for any release exceed \$50.

**SECTION 292.** Section 4 of chapter 263 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

**SECTION 293.** Section 8A of said chapter 263, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and

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inserting in place thereof the following words:- western division of the housing court department.

**SECTION 294.** Section 57 of chapter 276 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended i by inserting after the second sentence the following sentence:- Any person authorized to take bail shall accept, if offered, cash or a certified bank check drawn on a financial institution as defined in section 1 of chapter 63.

**SECTION 295.** Chapter 645 of the acts of 1948 is hereby repealed.

**SECTION 296.** The first paragraph of chapter 700 of the acts of 1972 is hereby amended by inserting after the words "sanitary landfill site", inserted by chapter 783 of the acts of 1975, the following words:- or other solid waste facility.

**SECTION 297.** Said chapter 700 is hereby further amended by striking out the last paragraph, as amended by said chapter 783, and inserting in place thereof the following paragraph:-

This conveyance shall be subject to a provision that title to the aforesaid premises shall revert to the commonwealth if the property is ever used for purposes other than a sanitary landfill or other solid waste facility.

**SECTION 298.** Said chapter 700, as amended by said chapter 783, is hereby further amended by adding the following paragraph:-

The trustees of the Taunton state hospital shall execute and deliver to the town of Raynham an amended deed that conforms to this act.

**SECTION 299.** Subparagraph (i) of paragraph (a) of subsection (1) of section 4A of chapter 1078 of the acts of 1973, as appearing in section 1 of chapter 589 of the acts of 1987, is hereby amended by inserting after the word "AFL-CIO", in line 11, the words ", the Massachusetts Coalition of Police, IUPA, AFL-CIO and Boston Police Patrolmen's Association, AFL-CIO".

**SECTION 300.** Sections 1 to 13, inclusive, of chapter 73 of the acts of 1980 are hereby repealed.

**SECTION 301.** Section 9 of chapter 372 of the acts of 1984 is hereby amended by striking out subsection (c), as amended by section 254 of chapter 194 of the acts of 1998, and inserting in place thereof the following subsection:-

(c) The Authority shall notify the commissioner of capital asset management and maintenance that it seeks to relinquish any portion of the system of real property under its operational management, control and jurisdiction pursuant to paragraphs (b) and (c) of section 4, when it determines that: (i) such property or interest in property is no longer needed for the construction, maintenance or operation of the sewer and waterworks systems; and (ii) such disposition shall not impair the maintenance and operation of said systems. The commissioner may refuse to accept any such property if he determines that accepting title to the property in the name of the commonwealth will, because of environmental contamination on the property, be detrimental to the commonwealth and its taxpayers. Any such determina-



tion shall be made in writing. Upon accepting property from the authority, the commissioner shall proceed in accordance with section 40F of chapter 7 of the General Laws.

**SECTION 302.** Section 8 of chapter 324 of the acts of 1987, as amended by section 6 of chapter 528 of the acts of 1990, is hereby further amended by striking out the words "July first, two thousand" and inserting in place thereof the following words:- July 1, 2010.

**SECTION 303.** Chapter 138 of the acts of 1992 is hereby amended by inserting after section 15 the following section:-

Section 15A. Notwithstanding the provisions of sections 40E to 40J of chapter 7 of the General Laws or any other special or general law to the contrary, including, but not limited to, the provisions of section 301 of chapter 60 of the acts of 1994, (i) the corporation established by section 14 is hereby authorized to enter into one or more leases for terms of up to 30 years with the developer designated pursuant to the provisions of said section 301 to develop the Boston state hospital site for facilities to be used by the university of Massachusetts medical school biologics laboratory, and (ii) said university is authorized to enter into one or more leases for terms of up to 30 years with the corporation for the use of said facilities. The terms of any such leases shall be no less favorable between the developer and the corporation and between the corporation and the university as the terms of comparable leases or comparable facilities in the city of Boston as determined by the commissioner of the division of capital asset management and maintenance established pursuant to chapter 7 of the General Laws. Prior to the execution of any such lease, the developer and the citizens advisory committee for the redevelopment of the Boston state hospital site shall negotiate and approve a community benefits package that is consistent with the Boston state hospital recommended development guidelines adopted May 4, 1993. Such community benefits package shall be incorporated into any Land Disposition Agreement entered into by the developer. Any such leases relative to said site shall be subject to the approval of the secretary of administration and finance. The corporation shall submit any such lease or leases and any subsequent amendments thereto, to said secretary, said commissioner, and the inspector general at least 45 days prior to executing the lease or amendment. Said commissioner and the inspector general shall submit any comments to said secretary within 15 days of receiving any such leases or such amendments from the corporation. Said secretary shall in writing approve or disapprove any such leases or amendments within 40 days of receipt thereof, or it shall be deemed approved. Any lease between the corporation and the Boston state hospital developer shall require that any facility to be leased by the corporation must be satisfactory to the corporation. Any lease between the corporation and said developer of the Boston state hospital site shall require that any land or buildings so leased be acquired by the corporation at the end of the lease term. The university shall annually certify to the secretary and to the house and senate committees on ways and means that lease payments were made from university trust fund revenues available to the medical school and that no appropriated revenues of the commonwealth were utilized to support the costs of leasing said facility at the Boston state hospital site.

Notwithstanding the provisions of section 301 of chapter 60 or sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance is authorized to convey any or all of Lot 3 shown on the Boston state hospital master plan dated December 27, 1995 and prepared for the division of capital planning and operations pursuant to said section 301 to a developer previously selected by the commissioner pursuant to said section 301, and said commissioner with input from the Boston state citizens advisory committee is hereby authorized to renegotiate the terms of said developers' Land Disposition Agreement for the purpose of implementing this section, subject to such terms and conditions as the commissioner deems appropriate, but in no event shall the amount of land transferred be less than the corporation and said university identify as being reasonably necessary to accommodate their current and future needs in this area. Notwithstanding the foregoing, the amount of consideration for the conveyance of any or all of Lot 3 shall be determined in accordance with the provisions of said section 301.

**SECTION 304.** Section 8A of chapter 300 of the acts of 1992, as amended by section 14 of chapter 4 of the acts of 1995, is hereby further amended by striking out the second sentence.

**SECTION 305.** Section 9 of chapter 300 of the acts of 1992 is hereby repealed.

**SECTION 306.** Section 301 of chapter 60 of the acts of 1994 is hereby amended by adding the following subsection:-

(11). Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary or any provisions of this section to the contrary, the commissioner, with input from the Boston state advisory committee, is hereby authorized to transfer, for consideration, a parcel, of the Boston state hospital to the city of Boston for the purpose of constructing a high school campus; the location of said parcel shall be determined by the commissioner and shall not in any way, either directly or indirectly, limit, impede, prohibit, restrict, or otherwise interfere with the use of Lot 3 for the purpose of a medical school biologics laboratory as provided for in section 1; and provided however, that the location of said parcel and the design of the high school campus shall be consistent with the development of the Boston state hospital site. Said citizens advisory committee for the redevelopment of the Boston state hospital site shall review and approve a community benefits package, prepared by the city of Boston, in consultation with said citizens advisory committee, before such transfer by the commissioner. The consideration to be paid by said city for said parcel shall be based upon the full and fair market value of the property, as determined by independent appraisal, and based upon the purpose of the conveyance authorized herein. The inspector general shall review and approve such an appraisal and said review shall include an examination of the methodology used for such appraisal. Said inspector general shall prepare a report of his review and file said report with said commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said

city or its designee shall be responsible for any costs, liabilities and expenses of any nature and kind for the development, maintenance or operation of said parcel. Said commissioner shall 30 days before the execution of any agreement authorized by this subsection, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to said inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to the execution thereof. Ownership of said parcel shall revert to the commonwealth if construction of said high school by the city of Boston has not commenced by July 1, 2005.

**SECTION 307.** Section 8A of chapter 231 of the acts of 1994 is hereby amended by striking out the words "July 1, 2000", inserted by section 263 of chapter 194 of the acts of 1998, and inserting in place thereof the following words:- July 1, 2002.

**SECTION 308.** Subsection (b) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the words "provided, however, that the fair market value of any licensed motor vehicle does not exceed five thousand dollars" and inserting in place thereof the following words:- provided, however, that the fair market value of any licensed motor vehicle does not exceed an amount determined by the commissioner in consultation with the secretary of the executive office of transportation and construction and the equity value of any licensed motor vehicle does not exceed \$5,000.

**SECTION 309.** Section 2 of chapter 22 of the acts of 1995 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The authority may hold title, at any given time, to a maximum of six properties. A property may be comprised of one or more contiguous parcels of land, as shown in the file of the municipal assessor or board of assessors. The authority shall submit to the house and senate committees on ways and means and the joint committee on commerce and labor an annual report describing the following: properties acquired, response actions conducted, development activities, and income from the sale or lease of said properties.

**SECTION 310.** Section 341 of chapter 38 of the acts of 1995 is hereby amended by striking out the last sentence, as most recently amended by section 195 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- Said commission shall report its recommendations to the clerks of the house of representatives and the senate on or before June 30, 2001.

**SECTION 311.** Section 34 of chapter 203 of the acts of 1996 is hereby amended by striking out the words "June thirtieth, two thousand two" and inserting in place thereof the following words:- October 1, 2001.

**SECTION 312.** Section 1 of chapter 60 of the acts of 1997 is hereby amended by



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striking out, in line 3, the words "two of whom shall be physicians" and inserting in place thereof the following words:- one of whom shall be a physician.

**SECTION 313.** Section 73 of chapter 180 of the acts of 1998, as amended by section 11 of chapter 358 of the acts of 1998, is hereby further amended by inserting after the second sentence the following sentence:- Firearm identification cards issued or renewed between July 1, 1999, and June 30, 2000, shall expire as follows: cards issued or renewed in July, August, or September 1999 shall expire on the issuance or renewal date in 2003 and every four years thereafter; cards issued in October, November, or December 1999 shall expire on the issuance or renewal date in 2004 and every four years thereafter; cards issued in January, February, or March 2000 shall expire on the issuance or renewal date in 2005 and every four years thereafter; and cards issued or renewed in April, May, or June 2000 shall expire on the issuance or renewal date in 2006 and every four years thereafter.

**SECTION 314.** The fourth paragraph of section 388 of chapter 194 of the acts of 1998 is hereby amended by striking out the following words:- The department of public health is hereby prohibited from awarding and proceeding with any such community-based pilot or demonstration program relative to cardiac surgery, including, but not limited to open heart surgery, until the report of the commission has been filed with the clerk of the house of representatives and the clerk of the senate.

**SECTION 315.** Section 390 of chapter 194 of the acts of 1998, as amended by section 208 of chapter 127 of the acts of 1999, is hereby further amended by striking out the words "June 30, 2000" and inserting in place thereof the following words:- December 30, 2000.

**SECTION 316.** Item 7066-0011 of section 2A of chapter 55 of the acts of 1999 is hereby amended by striking out the words "provided, that \$290,000 shall be expended for the acquisition of the Rogers Building, so-called, in downtown Fitchburg" and inserting in place thereof the following words:- provided, that \$290,000 shall be expended in fiscal year 2001 by Fitchburg State College for the acquisition of a building in the downtown section of the city of Fitchburg for the establishment of a college arts center.

**SECTION 317.** Item 7100-0200 in section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out the words "and provided further, that these institutes shall submit a report of their recommendations to the commission no later than February 20, 2000" and inserting in place thereof the following words:- and provided further, that these institutes shall submit a report of their recommendations to the commission no later than December 15, 2000.

**SECTION 318.** Section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out item 8900-1991 and inserting in place thereof the following item:-  
8900-1991 For the expansion of substance abuse treatment programming pursuant to section 35 of chapter 123 of the General Laws for underserved females who are in need of emergency de-



toxification or treatment for substance abuse and who are awaiting trial; provided, that the amount appropriated herein shall support expenditures associated with site preparation, infrastructure improvement and the acquisition of a housing and substance abuse treatment facility of not less than 60 beds at Massachusetts correctional institution Framingham; provided further, that said 60 beds shall be in addition to beds available for said treatment purposes as of July 1, 1999; provided further, that said funds shall be one-time nonrecurring expenditures which shall be made available for expenditure until June 30, 2001; provided further, that the department shall submit a report to the house and senate committees on ways and means outlining a schedule for the acquisition of said facility and the implementation of treatment programs; provided further, that said report shall include an estimate of the annualized cost of operating said facility; provided further, that said report shall be submitted no later than February 1, 2000; and provided further, that no expenditures shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act . . . . . \$5,000,000  
Tobacco Settlement Fund . . . . . 100.0%

**SECTION 319.** Section 274 of chapter 127 of the acts of 1999 is hereby amended by striking the last paragraph and inserting in place thereof the following:- The provisions of this section shall expire on June 1, 2001.

**SECTION 320.** Item 8100-0063 of section 2 of chapter 82 of the acts of 2000 is hereby amended by striking out the words "class of 160" and inserting in place thereof the following words:- class of 180.

**SECTION 321.** Notwithstanding the provisions of section 27 of chapter 10 of the General Laws, or any other general or special law to the contrary, the canteen manager of the Soldier's Home in Holyoke shall be allowed to sell lottery tickets or shares upon the issuance of a sales agent's license to said Soldier's Home.

**SECTION 322.** Notwithstanding the provisions of section 9 of chapter 15A of the General Laws or any other general or special law to the contrary, the board of higher education shall not implement any statewide tuition reduction after June 30, 2001.

**SECTION 323.** Notwithstanding section 30 of chapter 29 of the General Laws or any other general or special law to the contrary, the division of energy resources may procure, in accordance with all applicable procurement and solicitation laws, comprehensive motor

vehicle insurance coverage for electric vehicles purchased for use in the commonwealth's electric vehicle demonstration program. Nothing in this section shall be construed to require any additional state appropriated funds for the division of energy resources. The coverage may continue or be renewed until the conclusion of said vehicle demonstration program.

**SECTION 324.** Notwithstanding subdivision (4) of section 16 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, or any other general or special law to the contrary, the contributory retirement appeals board is hereby authorized and directed to grant Mr. Nathan Zoll review of the division of administrative law appeal's decision numbered CR-92-774. The board shall accept such appeal as within its jurisdiction no later than 30 days after the effective date of this act.

**SECTION 325.** Notwithstanding section 1 of chapter 55A of the General Laws, for all candidates to whom said chapter 55A applies, the election cycle that ends on the thirtieth day following the state election in 2002 shall begin on March 31, 2001.

**SECTION 326.** Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, for fiscal year 2001 all wage adjustment factors calculated within the foundation budget appearing below one shall be raised by 25 per cent of the difference between the wage adjustment factor and one.

**SECTION 327.** Notwithstanding the provisions of chapter 151A of the General Laws, the experience rate of the employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated "B" for calendar year 2001.

**SECTION 328.** Notwithstanding the definition of "Net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2001, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed in section 3, said section 3 shall control.

**SECTION 329.** Notwithstanding chapter 70B of the General Laws, the board of education, hereafter referred to as the "board", shall, as funding is available, direct the treasurer to disburse money to the cities, towns and school districts for the school construction projects listed in this section. The total reimbursement to said cities, towns and school districts shall be the total authorization as listed in this section or alternatively the final approved project cost as determined by the board multiplied by the reimbursement rate indicated in this section. The city, town, or school district shall submit whatever documentation may be required by the board to determine the final approved project cost. The total construction grant shall be paid annually in equal parts to be determined by dividing the total

grant by the number of years during which indebtedness is incurred for such project. Priority for payment shall be given in the order of the projects as listed in this section with funding authorization to be established through general appropriation legislation separately for categories one and two.

In addition to the projects listed in this section, the board shall, as funding is available, direct the treasurer to disburse school construction grants to cities, towns and regional school districts for: (i) capital school construction projects which are placed on the school building assistance priority lists, so-called, not later than July 31, 2000; (ii) for capital school construction projects which have received a favorable vote, for design or construction, by the city council and mayor or town meeting not later than December 30, 2000, and for which all necessary application procedures have been completed, in such form as may be required by the board, not later than June 30, 2001 with approval by the board not later than August 30, 2001; and (iii) capital school construction projects in cities, towns and regional school districts which have one or more schools which are racially imbalanced as defined in section 37D of chapter 71 of the General Laws, by virtue of an individual public school report, so-called, on or before October 1, 1999; provided, that said construction projects shall have received a favorable vote, for design or construction, by the city council and mayor or town meeting by July 1, 2000; provided further, that said districts shall be reimbursed for said construction projects at the rate in effect prior to the effective date of this act, as set forth in paragraph three of section 11 of chapter 15 of the General Laws, as appearing in the 1998 Official Edition. Projects shall be placed in order of funding priority by the board in categories one or two in accordance with the provisions in effect prior to the effective date of this act, as set forth in chapter 645 of the acts of 1948, as amended. The total reimbursement for said cities, towns and regional school districts shall be the final approved project cost, as determined by the board, multiplied by the reimbursement rate in effect prior to the effective date of this act, as set forth in said chapter 645. The city, town, or regional school district shall submit whatever documentation may be required by the board to determine the final approved project cost. The total construction grant shall be paid annually in equal parts to be determined by dividing the total grant by the number of years during which any indebtedness is incurred.

Category One Projects

Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Medford New Middle School	1,463,443	29,268,860	20	90%
New Bedford New Middle School	2,398,548	47,970,960	20	90%
Lawrence New Mullaney School	2,169,813	43,396,260	20	90%
Lawrence New Wetherbee School	1,256,805	25,136,100	20	90%
Worcester Vocational High School	6,344,263	126,885,260	20	90%
Lawrence New Lorenz School	2,169,813	43,396,260	20	90%
Fall River Spencer-Borden School	1,105,210	22,104,200	20	90%

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Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Medford New Elementary School	2,601,677	52,033,540	20	90%
Fall River Greene Elementary School	1,367,579	27,351,580	20	90%
Springfield New Armory Elementary School	1,951,110	39,022,200	20	90%
Springfield Harris Middle School	1,202,940	24,058,800	20	90%
Springfield Van Sickle Middle High School	3,836,205	76,724,100	20	90%
Lowell New Middle School	1,162,350	23,247,000	20	90%
Salem Federal Elementary School	1,326,735	26,534,700	20	90%
Salem New Elementary School	718,470	14,369,400	20	90%
Salem Witchcraft Elementary School	1,009,292	20,185,840	20	90%
Category Two Projects				
Winchester Middle School	1,038,777	20,775,540	20	63%
Hanson Indian Head Middle School	347,960	6,959,200	20	79%
Westfield South Middle School	772,508	15,450,160	20	73%
Wakefield Woodville Elementary School	561,079	11,221,580	20	64%
Millis High School	343,884	6,877,680	20	65%
Everett Parlin Elementary School	852,263	17,045,260	20	60%
Weston Middle School	510,916	10,218,320	20	53%
Athol-Royalston New Middle School	888,727	17,774,540	20	79.66%
Bellingham High School	1,914,260	38,285,200	20	76%
Wilmington New Middle School	2,169,085	21,690,850	10	65%
East Longmeadow Birchland Park Middle School	1,194,094	23,881,880	20	65%
Sudbury Curtis Middle School	1,332,483	26,649,660	20	64%
Bourne New Middle School	981,875	19,637,500	20	64%
Hopkinton New High School	1,836,249	36,724,980	20	63%
Winthrop Fort Banks New Elementary School	897,498	17,949,960	20	65%
Pioneer Valley High School	978,826	19,576,520	20	69.44%
Bedford New Davis Elementary School	577,305	11,546,100	20	57%
Blackstone-Millville JFK Elementary School	272,904	1,364,520	5	81%
Stoneham New South Elementary School	514,945	10,298,900	20	63%
South Hadley Middle School	803,806	16,076,120	20	69%
Wilbraham Miletree Elementary School	293,284	5,865,680	20	67%
Marshfield Furnace Brook Middle School	1,006,097	20,121,940	20	67%
Triton Regional Junior/Senior High School	1,777,327	35,546,540	20	67.32%
Plainville Jackson Elementary School	594,923	11,898,460	20	67%
South Hadley High School	860,416	17,208,320	20	69%
Plymouth Manomet Elementary School	116,651	1,749,765	15	64%
Hingham High School	1,362,664	27,253,280	20	61%
Wilbraham Stonyhill Elementary School	234,413	4,688,260	20	67%



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Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Plymouth South Elementary School	208,213	3,123,195	15	64%
Whitman Conley Elementary School	586,675	11,733,500	20	81%
Dighton Elementary School	277,778	5,555,560	20	74%
Ludlow High School	1,457,710	29,154,200	20	73%
Greater Lawrence Vocational Technical School	3,488,430	69,768,600	20	85.25%
Canton Luce Elementary School	476,412	9,528,240	20	61%
Sudbury Haynes Elementary School	467,956	9,359,120	20	64%
Hingham South Elementary School	667,137	13,342,740	20	61%
Pembroke Hobomock Elementary School	453,398	9,067,960	20	73%
Natick Bennett-Hemenway Elementary School	653,609	13,072,180	20	59%
Richmond Consolidate Elementary School	379,476	7,589,520	20	64%
Whitman Duval Elementary School	613,915	12,278,300	20	81%
Stoneham New Central Elementary School	470,998	9,419,960	20	63%
Marlborough Jaworek Elementary School	489,993	9,799,860	20	62%
Sudbury Loring Elementary School	632,999	7,595,988	12	64%
Norfolk H.O. Day Elementary School	169,356	1,693,560	10	67%
Attleborough Coelho Middle School	902,966	18,059,320	20	74%
Quincy Point Webster Middle School	336,263	6,725,260	20	63%
Whitman Middle School	388,630	7,772,600	20	81%
Marshfield Martinson Elementary School	500,859	10,017,180	20	67%
Melrose Lincoln Elementary School	603,530	12,070,600	20	67%
Beverly Centerville Elementary School	298,673	5,973,460	20	64%
Stoneham Robin Hood Elementary School	438,070	8,761,400	20	63%
Hawlemont Elementary School	180,629	3,612,580	20	75.09%
Beverly North Elementary School	315,388	6,307,760	20	64%
Topsfield Proctor Elementary School	244,035	4,880,700	20	61%
Reading Coolidge Middle School	542,025	10,840,500	20	66%
Topsfield Steward Elementary School	287,701	5,754,020	20	61%
Stoneham Colonial Park Elementary School	418,596	8,371,920	20	63%
Plainville Wood Elementary School	591,204	11,824,080	20	67%
Brookline Edith Baker Elementary School	489,896	9,797,920	20	61%
Sandwich High School	1,203,842	24,076,840	20	60%
Bellingham Middle School	516,059	10,321,180	20	76%
Northbridge New High School	1,890,587	37,811,740	20	83%
Belchertown New High School	2,059,182	41,183,640	20	76%
Raynham New Middle School	1,523,312	30,466,240	20	73%
Nashoba Lancaster Elementary School	767,594	15,351,880	20	71%
Monson New High School	1,140,984	22,819,680	20	79%
Dartmouth New High School	2,219,316	44,386,320	20	69%
Groton-Dunstable New High School	1,522,398	30,447,960	20	66.54%

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Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Lee New Elementary School	738,873	14,777,460	20	66%
Norwell Middle School	1,047,429	20,948,580	20	65%
Maynard New Middle School	1,144,476	22,889,520	20	65%
Shrewsbury New High School	3,206,732	64,134,640	20	64%
Littleton New High School	1,120,797	22,415,940	20	61%
Dover Chickering Elementary School	786,240	15,724,800	20	55%
Saugus New Elementary School	767,271	15,345,420	20	67%
Weymouth High School	1,921,828	38,436,560	20	67%
Acton New Elementary School	1,085,577	21,711,540	20	63%
Winthrop Elementary School	884,451	17,689,020	20	65%
Masconomet Regional High School	3,098,294	61,965,880	20	62.41%
Scituate Elementary School	607,381	12,147,620	20	64%
Norwell Elementary School	646,755	12,935,100	20	65%
Falmouth Mullen Elementary School	528,654	10,573,080	20	62%
Newton Bowen Elementary School	254,747	2,547,470	10	60%
Peabody New Elementary School	661,439	13,228,780	20	66%
Pembroke Bryantville Elementary School	852,047	17,040,940	20	73%
Walpole High School	1,239,336	24,786,720	20	63%
Millbury Elmwood Street Elementary School	621,037	12,420,740	20	72%
Hanover Cedar Elementary School	248,317	4,966,340	20	69%
Bristol-Plymouth Vocational/Technical High School	683,529	6,835,290	10	81.19%
Lee High School	783,586	15,671,720	20	66%
North Reading Hood Elementary School	240,291	4,805,820	20	64%
Millbury High School	946,578	18,931,560	20	72%
Westwood Downey Elementary School	560,869	5,608,690	10	59%
Greater New Bedford Vocational/Technical High School	1,633,037	32,660,740	20	85.14%
Leverett Elementary School	160,683	3,213,660	20	67%
Acton-Boxboro Junior High School	1,038,468	20,769,360	20	61.99%
Woburn New Elementary School	610,778	12,215,560	20	62%
Pembroke North Elementary School	920,211	18,404,220	20	73%
Westminster Elementary School	762,872	15,257,440	20	69%
Needham Newman Elementary School	195,489	3,909,780	20	58%
Hanover Center Elementary School	254,466	5,089,320	20	69%
Foxboro Ahearn Middle School	1,479,781	29,595,620	20	68%
Holliston Flagg Adams Middle School	1,234,057	24,681,140	20	68%
Ludlow Middle School	602,824	12,056,480	20	73%
Freetown-Lakeville New High School	750,070	15,001,400	20	72.46%
Billerica New Elementary School	970,612	19,412,240	20	67%
Lexington Clarke Middle School	489,517	9,790,340	20	59%

Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Bedford Lt. Job Lane Elementary School	486,772	9,735,440	20	57%
Lexington Diamond Middle School	777,954	15,559,080	20	59%
Winchester Lincoln Elementary School	527,988	10,559,760	20	63%
Lexington High School	1,507,024	30,140,480	20	59%
Nashoba Regional High School	1,328,132	26,562,640	20	65.32%
Nashoba-Lancaster Middle School	437,320	8,746,400	20	71%
Hanover Middle School	365,875	7,317,500	20	69%
Marion Elementary School	787,968	15,759,360	20	60%
Groton-Dunstable South Middle School	130,947	2,618,940	20	66.54%
Raynham Merrill Elementary School	258,394	5,167,880	20	73%
Monson Middle School	795,051	15,901,020	20	79%
Groton-Dunstable North Middle School	443,512	8,870,240	20	66.54%
Holliston High School	1,565,727	31,314,540	20	68%
Scituate High School	913,827	18,276,540	20	64%
Salem High School	1,452,989	29,059,780	20	65%

**SECTION 330.** Notwithstanding section 12 of chapter 490 of the acts of 1980, the department of housing and community development may authorize neighborhood housing services corporations to retain, reassign and re-loan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program.

**SECTION 331.** Section 2A of chapter 475 of the acts of 1993 is hereby repealed.

**SECTION 332.** Notwithstanding section 2 of chapter 184 of the acts of 1997 or any other general or special law to the contrary, the Massachusetts Water Resources Authority shall be reimbursed an amount not to exceed \$200,000 for its costs and expenses incurred through June 30, 1999, for environmental remediation of the parcel identified in section 1 of said chapter 184. Notwithstanding the provisions of any general or special law to the contrary, 50 per cent of said reimbursement shall be made by the department of environmental management from the Conservation Trust, established by section 1 of chapter 132A of the General Laws, and 50 per cent of said reimbursement shall be made by the metropolitan district commission from the Metropolitan Parks Trust Fund, established by section 34 of chapter 92 of the General Laws. Said reimbursement shall be based on and contingent upon the Massachusetts Water Resources Authority's submission of invoices received for said environmental remediation to said department and said commission.

**SECTION 333.** Notwithstanding any general or special law to the contrary, except for sections 52 to 55, inclusive, of chapter 7 of the General Laws, the secretary of administration and finance shall in fiscal year 2001 identify and pursue projects to optimize non-tax revenue management and collections by the commonwealth. The secretary or his designee may enter into contracts with private vendors and enter into interdepartmental service agreements with departments to identify and pursue the projects. Private vendors shall be compensated from non-tax revenues collected by such projects in excess of the non-

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tax revenues established by the contracts as the minimum to be collected by each such project. For the purposes of this section, such payments to vendors for services performed shall be known as "vendor participation payments", amounts allocated from item 1599-0033 of section 2 to participating departments pursuant to the provisions of this section shall be known as "department incentive payments", and non-tax revenue collected pursuant to this section, after deduction of vendor participation payments, department incentive payments and other charges directed to the Maximization Fund established by section 2R of chapter 29 of the General Laws, shall be known as "net additional revenue". For the purposes of this section, the terms "department" or "participating department" shall mean any department, agency, board, commission, office or institution under the executive control of the governor or other constitutional officer and determined by the secretary to be participating in the revenue optimization projects authorized by this section.

A vendor shall be compensated only if (1) the revenue achieved for each specific revenue source is new revenue, but new revenue shall be defined as revenue in addition to revenue collected during the base period for each revenue source; and (2) in the event of revenue sources which are caseload-driven federal reimbursements, so called, the ratio of that revenue source to the reimbursable expenditure has exceeded the highest such ratio during the base period.

A department shall receive department incentive payments pursuant to this section and to item 1599-0033 of section 2 only if both (1) the collection of a fee or any other non-tax revenue during fiscal year 2001 is greater than the highest amount of revenue collected from said fee or other non-tax revenue during the base period; and (2) the total revenue collected by such department in fiscal year 2001 is in excess of the amounts projected in section 1B for each department.

For the purposes of this section, the term "base period" shall refer to the fiscal years beginning on July 1, 1994, and ending on June 30, 2000. Revenues which are attributable to a new fee or a newly reimbursable service or clientele shall be considered to have a base period revenue level of zero. The commonwealth shall retain all rights in software programs developed pursuant to any contract executed under this section.

The comptroller shall deposit in the Maximization Fund all monies collected under this section. The comptroller may allocate from the fund, at the direction of the secretary of administration and finance, department incentive awards up to the amount of the appropriation contained in item 1599-0033 of section 2 to participating departments pursuant to the following calculations: (a) an amount not to exceed \$1,000,000 when the net additional revenue accumulates to \$5,000,000; (b) an amount not to exceed \$2,000,000 when the net additional revenue accumulates to \$10,000,000; (c) an amount not to exceed \$2,500,000 when the net additional revenue accumulates to \$15,000,000; or (d) an amount not to exceed \$3,000,000 when the net additional revenue accumulates to an amount equal to or greater than \$20,000,000. Eighty-five per cent of said allocations shall be distributed to participating department in proportion to the amount of revenues collected by each individual department



as a per cent of the total amount of revenues collected under the provisions of this section. The remaining 15 per cent shall be distributed to participating departments at the discretion of said secretary, regardless of the amount of revenues collected by each individual department. The comptroller shall transfer to the general fund at the close of the fiscal year any balance remaining in the Maximization Fund after providing for said allocations, vendor participation payments and other charges to said Maximization Fund, except that no expenditure shall be made from said Maximization Fund that would cause said fund to be in deficit at the close of the fiscal year. Departments receiving allocations pursuant to said item 1599-0033 may, subject to the provisions of this section, expend such funds without further appropriation after obtaining the written approval of said secretary or his designee of a plan detailing said proposed expenditures, allocations and reallocations, and the filing of such approved plan with the house and senate committees on ways and means not less than ten days in advance of any such allocation or reallocation. All expenditures made pursuant to the provisions of this section and said item 1599-0033 shall be for one-time expenses which shall not recur in fiscal year 2002 or a subsequent fiscal year. Funds appropriated for expenditure by the provisions of this section and said item 1599-0033 shall not be used to supplant purposes authorized in any other item of appropriation in section 2, or appropriated in any supplemental appropriation act enacted in fiscal year 2001 or a subsequent fiscal year. Any unexpended balance from said allocations at the end of each fiscal year shall revert to the general fund except to the extent that said approved spending plan for such an allocation includes multi-year expenditures.

The comptroller shall report, not later than January 31 of each year, to the secretary of administration and finance and the house and senate committees on ways and means on the results and operations of the revenue optimization projects authorized by this section, for the six-month period ending the preceding month. Such information shall detail, by each vendor, project and department: the amount of vendor participation payments paid to each vendor; the net additional revenue retained by the commonwealth; the amounts allocated or reallocated to each such participating department pursuant to said item 1599-0033 and this section; and the estimated receipts, payments and allocations for the fiscal year.

The comptroller shall report to the secretary of administration and finance and the house and senate committees on ways and means, not later than July 31 of each year, the preceding information for the prior fiscal year, the total of all vendor participation payments made to each vendor and the net additional revenue collected by each project over the duration of the project. On or before July 31 of each fiscal year, the comptroller shall submit to the house and senate committees on ways and means a plan approved by the secretary of administration and finance detailing, by executive office and department, the net additional revenue estimated to be collected under the provisions of this section in the fiscal year. The provisions of this section shall remain in effect until July 1, 2002.

**SECTION 334.** Notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to the provisions of section 38C of chapter 29 of the

General Laws from items 0699-0015 and 0699-9100 of section 2. Such payments shall pertain to the bonds, notes or other obligations authorized to be paid from each item.

**SECTION 335.** Notwithstanding any general or special law to the contrary, funds in the Commonwealth Sewer Rate Relief Fund, established by section 2Z of chapter 29 of the General Laws, shall be available to mitigate sewer rate increases due to debt service obligations created by issuing eligible indebtedness. For the purposes of this section, "eligible indebtedness" shall mean debt issued on or after January 1, 1990, which has a final date of maturity more than five years after the date of issuance and which is incurred, wholly or in substantial part, to finance or refinance the cost of planning, design or construction of any water pollution abatement project, or part thereof, required to be constructed to meet the provisions of the Federal Water Pollution Control Act, 33 U.S.C. sections 1251 et seq., and sections 26 to 53, inclusive, of chapter 21 of the General Laws, or any wastewater collection or transportation project related thereto. Eligible indebtedness shall not include any indebtedness for which the issuer has received assistance provided from state grants. Notwithstanding any provision of this section to the contrary, eligible indebtedness shall include indebtedness incurred to finance the metrowest water supply tunnel, so-called. Eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter 275 of the acts of 1989 which exceeded \$50,000,000 by June 30, 1995 and the debt service attributable thereto for any year for purposes of this section shall be the net obligation borne by the issuer after application of any credits, subsidies or assistance, however characterized, provided under the provisions of the aforementioned laws. No city, town, district, commission, agency, authority, board or other instrumentality of the commonwealth or any of its political subdivisions, which is responsible for the ownership or operation of wastewater treatment projects and is authorized to finance all or any part of the cost thereof through the issuance of eligible indebtedness in this section called an issuer, shall receive relief authorized by this section in excess of 20 per cent of its annual debt service obligations due to eligible indebtedness. The division of local services of the department of revenue, in consultation with the department of environmental protection, shall develop guidelines to certify an issuer's eligible indebtedness and shall create a process to equitably distribute funds to eligible issuers in order to mitigate extraordinary increases in sewer costs. Funds disbursed in fiscal year 2001 shall be disbursed on or before March 31, 2001. The board, office or commission responsible for setting sewer charges in each city, town, district or commission that either receives aid itself or is a member of a regional entity that receives aid pursuant to the provisions of this section shall certify to the division of local services that it has reduced sewer charges to reflect its share of any such aid.

**SECTION 336.** Notwithstanding any general or special law to the contrary, items 4000-0110, 4130-1000, 4130-3200, 4130-3250, 4130-3300, 4130-3700, 4400-1000, 4400-1100, 4400-9999, 4401-1000, 4401-1001, 4403-2000, 4403-2110, 4403-2120, 4512-1300, 4530-9000 and 7030-1000 in section 2 shall be charged to the Transitional Aid to Needy Families Fund, according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item shall

be not more than five percentage points above or below such approximation for the purposes of achieving maintenance of historic expenditures, so-called, minimizing federal interference with the provisions of state law and maximizing the effective use of federal funds consistent with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and chapter 5 of the acts of 1995. Such percentage so applied shall be based upon certification to the comptroller by the department of transitional assistance that such percentage reflects the appropriate distribution of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance. Expenditures not charged to the Transitional Aid to Needy Families Fund shall be charged by the comptroller to the general fund for each such item unless specified otherwise. The department of transitional assistance shall report quarterly to the house and senate committees on ways and means on the expenditures charged to each such fund and the reasons therefor including, but not limited to, eligibility requirements established by said federal act and said chapter 5 and the relationship between the caseload distribution and costs. Such reports shall be filed not more than 30 days following the close of each state fiscal quarter.

**SECTION 337.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$112,212,714 from the Transitional Aid to Needy Families Fund, established by section 2KK of chapter 29 of the General Laws, to the Child Care Fund, established by section 2LL of chapter 29 of the General Laws, not later than June 30, 2001.

**SECTION 338.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$26,390,788 from the Transitional Aid to Needy Families Fund, established by section 2KK of chapter 29 of the General Laws, to the Social Services Program Fund, established by section 2MM of chapter 29 of the General Laws, or to said Social Services Program Fund via the Child Care Fund, not later than June 30, 2001.

**SECTION 339.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, as of June 30, 2001, \$36,952,082 from the general fund to the Children's and Seniors' Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws.

**SECTION 340.** Notwithstanding any general or special law to the contrary, if an amount earmarked within any item of section 2 is insufficient to accommodate the full value of the rate increases provided under item 1599-6896 of section 2 of chapter 43 of the acts of 1997, item 1599-6897 of section 2 of chapter 194 of the acts of 1998, item 1599-6898 of section 2 of chapter 127 of the acts of 1999, and item 1599-6899 of section 2 of this act, such earmark may be increased to accommodate such rate increases, subject to the approval of the secretary of administration and finance; but in no event shall the amount of any earmark in section 2 of this act be decreased. The secretary of administration and finance shall report to the house and senate committees on ways and means on all such increases not more than 30 days after such increases have been approved.



**SECTION 341.** Notwithstanding any general or special law to the contrary, the comptroller may transfer from the following items in section 2 such amounts as otherwise would be unexpended on June 30, 2001, to those of the following said items which otherwise would have insufficient amounts to meet debt service payments for the fiscal year ending June 30, 2001; provided that each amount transferred shall be charged to the funds as specified in the item to which such amount is so transferred: 0699-0015 and 0699-9100.

**SECTION 342.** The comptroller shall transfer the amount of \$30,000,000 from the general fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2000. Said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund. The comptroller shall transfer from said fund to the general fund not later than June 30, 2001, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

**SECTION 343.** Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may transfer appropriated funds among items 4000-0860, 4000-0870, 4000-0880 4000-0890 and 4000-0891 of section 2 of this act, provided that the amount transferred from any of said items shall not exceed 10 per cent of the appropriation in that item.

**SECTION 344.** Notwithstanding any general or special law to the contrary, the amount assessed to acute hospitals in fiscal year 2001 for the estimated expenses of the division of health care finance and policy, including indirect costs, shall be equal to the amount appropriated by the general court in item 4100-0060 in section 2 less amounts projected to be collected in fiscal year 2001 from (1) fees and charges generated by the division's publication or dissemination of reports and information, and (2) federal financial participation received as reimbursement for the division's administrative costs, but said assessed amount shall be not be less than 65 per cent of the division's expenses as specified herein.

**SECTION 345.** Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the Medicaid program authorized by Title XIX of the Social Security Act into a separate expendable trust fund which shall be designated and known as the Commonwealth of Massachusetts Civil Monetary Penalties Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from Medicaid-only facilities, known as nursing facilities, and the commonwealth portion of funds collected from dually participating facilities, known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2)(A)(i) of the Social Security Act. The department may



expend monies from this fund without further appropriation in accordance with the provisions of this section. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for measures to protect the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from one facility to another.

**SECTION 346.** Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend \$32,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund to certain acute care hospitals for the intergovernmental funds transfer component of disproportionate share payments and service rate payments, as established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Medicaid state plan, and the terms and conditions of agreements reached with the division for such transfer payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into said medical assistance intergovernmental transfer account in an amount specified in an agreement with such entity which amount shall be not less than 50 per cent of the amount of the said intergovernmental funds transfer. All revenues generated pursuant to the provisions of this section shall be credited to said medical assistance intergovernmental transfer account. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.

**SECTION 347.** Notwithstanding any special or general law to the contrary, the division of medical assistance shall expend \$45,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for the intergovernmental funds transfer component of medicaid payments to the University of Massachusetts memorial hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years. Said medical assistance intergovernmental transfer account shall be reimbursed \$22,500,000 by the University of Massachusetts medical school pursuant to this section. The University of Massachusetts medical school shall submit to the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section, not later than November 30, 2000.

**SECTION 348.** Notwithstanding any general or special law to the contrary, the division of medical assistance may, during fiscal year 2001 and the accounts payable period for said fiscal year, expend from the medical assistance intergovernmental transfer account

within the Uncompensated Care Trust Fund an amount not to exceed \$242,000,000 for a program of MassHealth supplemental payments, so-called, to certain publicly-operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law and the medicaid plan. Such funds may be expended only for services rendered during fiscal year 2001. Such expenditures shall reduce payments from the uncompensated care trust fund, established pursuant to the provisions of section 18 of chapter 118G of the General Laws, to such entities by an amount comparable to the net revenues received by such entities under this section. Said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to the provisions of this section shall be reported quarterly to the house and senate committees on ways and means. Amounts so authorized for expenditure by this section shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other nonfederal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than one-half of the gross amounts of supplemental payments, so-called, made by the division under managed care contracts with said commissions.

**SECTION 349.** Notwithstanding the provisions of subsection (k) of section 14G of chapter 151A of the General Laws or any other general or special law to the contrary, the comptroller is hereby authorized and directed to transfer \$25,000,000 from the Medical Security Trust Fund, established pursuant to said subsection (k) of said section 14G of said chapter 151A, to the general fund for the purpose of making one-time adjustments to medicaid rates of payments to acute hospitals pursuant to item 4000-1000 in section 2. Said transfer shall not create any recurring liabilities to the commonwealth in future fiscal years.

**SECTION 350.** For hospital fiscal year 2001, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, shall be \$315,000,000. For state fiscal year 2001, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

**SECTION 351.** Notwithstanding the provisions of subsection (k) of section 14G of chapter 151A of the General Laws or any other general or special law to the contrary, the comptroller shall transfer \$25,000,000, in two separate payments, from the Medical Security Trust Fund, established pursuant to said subsection (k) of said section 14G of said chapter 151A, to the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws. The comptroller shall make the first payment by September 30, 2000 and

shall transfer the greater amount of \$5,462,500 or the actual uncompensated care pool shortfall in the pool for pool fiscal year 2000. The remaining balance shall be paid in pool fiscal year 2001. Said transfers shall only be made for the purpose of alleviating any deficit in said pool.

**SECTION 352.** The commissioner of the department of revenue shall promulgate rules and regulations as may be necessary to implement and enforce the provisions of subparagraph (13) of paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as inserted by section 119 of this act.

**SECTION 353.** Notwithstanding any general or special law to the contrary, any planned information technology development project or system purchase by any agency under the authority of the governor for which the total projected cost, including the cost of any related hardware purchased in conjunction with said project or system, exceeds \$200,000 shall be reviewed and approved by the chief information officer before such agency may obligate funds for such purchase. The chief information officer shall establish such rules and procedures as he deems necessary to implement this section.

**SECTION 354.** Notwithstanding the provisions of any general or special law to the contrary, items 1599-0042, 1599-0043, 4130-2998, 4130-3100, 4130-3200, 4130-3250, 4130-3300 and 4130-3600 in section 2 of this act shall be charged to the Child Care Fund, established by section 2LL of chapter 29 of the General Laws, according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item may range not more than five percentage points above or below such approximation for the purposes of maximizing federal reimbursement and meeting federal maintenance of effort requirements. Such percentage so applied shall be based upon certification to the comptroller by the office of child care services and the department of transitional assistance that such percentages reflect the appropriate distribution of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance.

**SECTION 355.** There shall be established and set up on the books of the commonwealth a separate fund to be known as the Mental Health Information System Fund. There shall be credited to said fund: revenues from enhanced federal reimbursements generated pursuant to Title XIX of the federal Social Security Act from information technology expenditures made by the department of mental health pursuant to the advanced planning document approved by the federal government for a mental health information system; any grants, premiums, gifts or other contributions explicitly made to said fund; and any income derived from the investment of amounts credited to said fund. Amounts credited to said fund shall be held as an expendable trust and shall not be subject to further appropriation. The department of mental health shall report monthly by source all amounts credited to said fund and all expenditures by subsidiary made from said fund as recorded on the Massachusetts management and accounting reporting system. Said amounts shall be made available by the state treasurer exclusively for costs associated with the development



and implementation of said system; provided, however, that said amounts shall not be available for the on-going operating costs of said system after its implementation. Any recovery of fringe benefit costs made against said fund pursuant to section 5D of chapter 29 of the General Laws shall not exceed the federal fringe recovery rate. No expenditures shall be made that would cause said fund to close a state fiscal year with a negative balance. Said fund shall expire on June 30, 2003.

**SECTION 356.** There is hereby established on the books of the commonwealth a separate fund to be known as the Asbestos Cost Recovery Fund. Notwithstanding the provisions of any general or special law to the contrary, all sums awarded or received by the commonwealth, after the payment of fees and expenses, as a result of settlement, trial or judgment from Suffolk Superior Court No. 90-3791-A, Commonwealth of Massachusetts v. Owens Corning Fiberglass, et al., and other actions brought to recover damages relating to asbestos-containing materials in buildings owned or operated by the commonwealth, or received as dividend payments by the commonwealth on account of the bankruptcy of any manufacturer, seller or distributor of asbestos-containing materials in buildings owned or operated by the commonwealth, shall be segregated and deemed to be held in said fund. The division of capital asset management and maintenance shall develop a plan for the orderly expenditure of such sums as are received by the Asbestos Cost Recovery Fund for the purposes of encapsulation, removal of asbestos, and costs related thereto. The plan shall contain provisions for emergencies, the short term and long term control of asbestos in buildings owned or operated by the commonwealth, and the removal and disposition of asbestos-containing materials located in such buildings. Any funds deposited as described above may be expended by said division, subject to appropriation, consistent with the purposes of this section.

**SECTION 357.** There is hereby established on the books of the commonwealth a separate fund to be known as the Capital Needs Investment Trust Fund, in this section called the fund. There shall be credited to the fund in fiscal year 2001, 2002, 2003, 2004 and 2005 \$45,000,000 for each such fiscal year received by the commonwealth from the income tax imposed by chapter 62 of the General Laws. The state treasurer shall hold amounts in the fund as trustee for the purposes set forth in this section and shall disburse the following amounts in each fiscal year without further appropriation:

(a) two semiannual payments of \$10,000,000 each to the Affordable Housing Trust Fund, established by chapter 121D of the General Laws, to be made at the beginning and middle of each such fiscal year;

(b) \$11,000,000 upon the request from time to time of the department of education, for statewide systems and competitive grants for districts that innovate or adopt the best scalable practices for using technology to increase student achievement on curriculum aligned with the Massachusetts standards. Of said amounts, over the five-year period of the fund, the department shall expend: (1) not more than \$10,700,000 for the development of the so-called "virtual education space," an on line set of tools and implementation strategies



individualized for each educator, student and parent to support them on increasing student achievement on the Massachusetts Comprehensive Assessment System; (2) not more than \$4,000,000 for the completion of all objectives of the department's information management system, with a final report and demonstration made to the general court not later than January 31, 2001; (3) not more than \$5,000,000 for programs that train students as technology leaders such as Youth Tech Entrepreneurs; (4) not less than \$35,000,000 for competitive matching grants to districts that have updated approval by the department for local technology plans that meet department standards by 2003 in areas of student to computer ratio, classroom access to the internet, availability of user support, administrative systems and out of school access, and demonstrate clear capabilities to innovate or adopt best scalable practices that increase student achievement on curriculum aligned with Massachusetts state standards; and (5) not more than \$300,000 for a program promoting the beneficial effect of music for young people aged 8 to 18, including a program of multidiscipline curricula in the public schools and for an internet domain site providing an array of information and resources on music education for children, parents and teachers;

(c) \$5,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, to repair, rehabilitate, reuse, demolish or redevelop former residential facilities operated by any of the departments of mental health, mental retardation and public health, according to a written annual plan which the commissioner shall file not later than September 15 with the house and senate committees on ways and means; and

(d) \$9,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, for scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth. The commissioner shall submit a plan detailing the cost and nature of such maintenance and repair projects, including how projects funded under this paragraph alleviate or otherwise affect the costs and schedules of maintenance and repairs otherwise funded or required to be funded by bonded indebtedness, to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than September 1, 2000. The commissioner shall file quarterly reports with the secretary, budget director and committees on the progress of all funded projects.

This section shall expire on June 30, 2005. The unexpended balance of said Trust Fund on said June 30 shall be transferred to the Commonwealth Stabilization Fund established by section 2H of chapter 29 of the General Laws.

**SECTION 358.** All requirements in sections and items of appropriation, and all portions thereof, set forth in this act are subject to appropriation by the legislature, and, in the event of a deficiency, shall not give rise to, or be construed as giving rise to, any enforceable right or entitlement not otherwise provided by state regulation or general or special law.

**SECTION 359.** Notwithstanding the provisions of any general or special law to the

contrary, the state comptroller shall deduct an amount of \$100,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within ten days of the stated due date. Any and all amounts deducted shall be deposited in the General Fund. The comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted.

**SECTION 360.** Notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose. Payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects. The comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section. Nothing herein shall be construed to allow the comptroller or the budget director to establish any accounts without prior statutory approval. The budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to the provisions of this section. The comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws.

**SECTION 361.** Notwithstanding the provisions of any general or special law to the contrary, not later than ten days after the effective date of this act the comptroller shall transfer \$10,000,000 from the general fund to the Massachusetts Clean Elections Fund, established by section 42 of chapter 10 of the General Laws, for advance funding of the requirements established pursuant to chapter 55A of the General Laws for public financing of elections for constitutional officers, councilors, and members of the general court; provided, that said fund shall not be available for appropriation until fiscal year 2002.

**SECTION 362.** Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall charge state agencies in fiscal year 2001 as hereinafter provided for workers' compensation costs, including related administrative expenses, incurred on behalf of the employees of said agencies. Administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 2000. The personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as he deems necessary to implement the provisions of this section.

The personnel administrator shall (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2001, (2) notify agencies of the amount of their estimated worker's compensation charges for said fiscal year, and (3) require agencies to encumber funds in an amount sufficient to meet said estimated charges. Said estimated charges for each agency in said fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each

such agency in fiscal year 2000, and may include such additional amounts as are deemed necessary under regulations promulgated pursuant to this section. For any agency that fails within 30 days of the enactment of this act to encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency.

The personnel administrator shall (1) determine the amount of the actual worker's compensation costs incurred by each agency in the preceding month, including related administrative expenses, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts as estimates of the costs to be incurred in the current month, and (4) transfer said amounts to item 1750-0105 of section 2.

Notwithstanding any general or special laws, any balance remaining in the Workers' Compensation Intergovernmental Service Fund, line item 1750-0105, at the close of FY 2000 shall be transferred to the General fund; provided further, that in line item 1750-0105 any unspent balance at the close of Fiscal Year 2000 in an amount not to exceed 5% of the amount authorized shall remain in the Workers' Compensation Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in Fiscal Year 2001.

The personnel administrator is hereby authorized to expend in fiscal year 2001 from said item 1750-0105 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; provided, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs prior to fiscal years.

**SECTION 363.** Notwithstanding any general or special law to the contrary, the superintendent of each school district shall, prior to the beginning of the school year, meet with the fire chief and police chief of the city, town or district to formulate a school specific "Multi-hazard evacuation plan" for each school under the superintendent's supervision. Said multi-hazard evacuation plan shall encompass, but not be limited to, evacuations for fires, hurricanes and other hazardous storms or disasters in which serious bodily injury might occur, shootings and other terrorist activities, and bomb threats. Said plan shall be designed for each school building after a review of each building. Said plan shall include, but not be limited to: (1) establishment of a crisis response team; (2) a designation as to who is in charge of said team and designated substitutes; (3) a communication plan; (4) crisis procedures for safe entrance to and exit from the school by students, parents and employees; and (5) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis. Each district, with the assistance of the local police and fire departments, shall annually review and update as appropriate said plan. At the beginning of each school year, students at each school shall be instructed as to the plan that is developed.

**SECTION 364.** Upon the abolition of Berkshire county in accordance with chapter 34B of the General Laws, each city and town shall have exclusive authority and power to order the laying out, locating anew or discontinuance of, or making specific repairs to all streets and ways, and all highways, exclusive of those under the jurisdiction of the highway department including, without limitation highways laid out by the county of Berkshire, with-



in the limits of each such city and town, and to assess the damages sustained on account thereof.

Upon the abolition of Berkshire county in accordance with chapter 34B of the General Laws, all records of the county of Berkshire, Berkshire county surveyors department and county commissioners dealing with the laying out, locating anew, discontinuance of and orders for specific repairs to ways in Berkshire county shall be transferred to the custody of the registry of deeds for the Berkshire Middle District in Pittsfield. Said records shall be available for public inspection in the same manner as all other records in the custody of said registry of deeds.

**SECTION 365.** Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall promulgate regulations which shall require any entity which is the recipient of a contract, subcontract, grant, or award which allows said entity to provide a service to the citizens of the commonwealth to acknowledge in written materials and public information about such service that such service is being provided in whole or in part by the taxpayers of the commonwealth.

**SECTION 366.** The division of capital asset management and maintenance, on behalf of the department of environmental management, is hereby authorized, subject to the provisions of sections 40E to 40K, inclusive, of chapter 7 of the General Laws, to lease and enter into other agreements, for terms not to exceed 25 years, providing for the use, operation, maintenance, repair or improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith: Representative John G. Asiaf memorial skating rink, Brockton; Arthur R. Driscoll memorial skating rink, Fall River; Veterans memorial skating rink, Franklin; Stephen Hetland memorial skating rink, New Bedford; John A. Armstrong memorial skating rink, Plymouth; Theodore J. Aleixo, Jr. skating rink, Taunton; Veterans Memorial Skating Arena, Haverhill; John J. Janas Memorial Skating Rink, Lowell; Henry Graf, Jr., Skating Rink, Newburyport; James E. McVann and Louis F. O'Keefe Memorial skating rink, Peabody; Daniel S. Horgan Memorial Skating Rink, Auburn; Gardner Veterans Skating Rink, Gardner; John J. Navin skating rink, Marlboro; Honorable Charles J. Buffone Skating Rink, Worcester; Greenfield Area Skating Rink, Greenfield; Henry J. Fitzpatrick skating rink, Holyoke; Ray Smead Memorial Skating Rink, Springfield; and Vietnam Veterans Memorial Skating Rink, North Adams. Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of environmental management, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the tenants to manage, operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring improvements to be made to any buildings may include a description of the initially required improvements and, at a minimum, performance specifications. Ice time at department of environmental management -owned skating rinks shall be allocated to user groups in the following priority order: general public skating; youth groups; high school hockey; and adult



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organizations or informal groups. Ice time may be allocated at the discretion of the operator with the following restrictions: general public skating sessions must be booked at a minimum of 16 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. Such leases and other agreements shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of environmental management for deposit into the Second Century Fund, established by section 2EE of chapter 29 of the General Laws. The recipients of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

**SECTION 367.** Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9004, 7004-9005, 7004-9009, 7004-9030, 7004-9011, 7004-9013, 7004-9014, 7004-9019, 7004-9020, and 7004-9024 of section 2. As a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility. Said department is hereby authorized to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility. Said department also may consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification. Notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid. For the purposes of conducting such income verification, the director of housing and community development may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants' households.

**SECTION 368.** The division of medical assistance shall seek \$5,000,000 in federal financial participation, under Title XIX of the federal Social Security Act, for \$10,000,000

in expenditures made for psychiatric and other health services provided to incarcerated individuals in correctional facilities operated by the department of correction. Upon receipt of said federal financial participation said division may transfer \$5,000,000 from the intergovernmental transfer account within the Uncompensated Care Trust Fund to the University of Massachusetts Medical School. Said transfer shall be made in accordance with the terms of an interdepartmental service agreement between said department, said medical school and said division. Said interdepartmental service agreement shall provide for said medical school to arrange for the delivery of psychiatric and other health services to persons incarcerated in correctional facilities operated by said department. Upon receipt of said federal financial participation, the comptroller shall credit \$5,000,000 to said intergovernmental transfer account for purposes of financing the intergovernmental transfer authorized herein. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years.

**SECTION 369.** Notwithstanding the provisions of any general or special law to the contrary, all references to the "division of registration" in any general or special law or in any order, rule, regulation or other document shall mean and shall be construed as referring to the division of professional licensure.

**SECTION 370.** Notwithstanding any general or special law to the contrary, the criminal justice training council shall charge a fee of \$1,900 per person for training programs operated by the council for all persons who begin training on or after July 1, 2000. Said fee shall be retained and expended by said council according to this section and the provisions of item 8200-0222 of section 2 of this act. The trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide said fee in full to the council no later than the first day of orientation for the program in which such trainee or recruit has enrolled. No recruit or person shall begin training unless said municipality or said person has provided said fee in full to said council. For recruits of municipalities, upon the completion of said program, the municipality shall deduct said fee from said recruit's wages in 19 equal monthly installments, unless otherwise negotiated between said recruit and the municipality in which said recruit shall serve. If a recruit withdraws from the training program before graduation, said council shall refund the municipality in which the recruit was to have served a portion of said fee according to the following schedule: if a recruit withdraws from said program before the start of week two, 75 per cent of said payment shall be refunded; if a recruit withdraws from said program after the start of week two but before the start of week three, 50 per cent of said fee shall be refunded; if a recruit withdraws from said program after the start of week three but before the start of week four, 25 per cent of said fee shall be refunded; if a recruit withdraws after the start of week four, the fee shall not be refunded. A recruit who withdraws from said program shall pay the municipality in which he was to have served the difference between said fee and the amount forfeited by said municipality according to said schedule. Said schedule shall also apply to trainees other than recruits who enroll in said program.

**SECTION 371.** The department of environmental protection, in consultation with the water pollution abatement trust, is hereby authorized and directed to notify each municipality and special district by September 1, 2000 of the change in the commonwealth rate of subsidy for projects financed pursuant to chapter 29C of the General Laws that shall take effect for water pollution abatement projects and drinking water projects beginning with said departments intended use plan for calendar 2002 pursuant to sections 57 and 58.

**SECTION 372.** Notwithstanding the provisions of chapter 29C of the General Laws or any other general or special law to the contrary, the water pollution abatement trust is hereby directed to leverage funds in the trust for disbursement to finance projects authorized pursuant to said chapter 29C on the basis of a three-to-one ratio. If in the opinion of the state treasurer, such increased leveraging is not feasible, the provisions of this section shall not apply, provided, that the treasurer shall notify the secretary of administration and finance, the commissioner of the department of environmental protection, the house and senate committees on ways and means, the committee on long-term debt and capital expenditures, and the joint committee on natural resources upon making any such determination.

**SECTION 373.** Notwithstanding the provisions of any general or special law to the contrary, the department of revenue is hereby authorized and directed to refund the overpayment of the 1991 income tax of Theodore and Carolyn Holland of the city of Beverly.

**SECTION 374.** Notwithstanding the provisions of section 4 of chapter 32 or any other general or special law to the contrary, the State-Boston Retirement Board is hereby authorized and directed to grant to Carol J. McCarthy of Norwood, a school teacher for the City of Boston, for the period of December 11, 1970 through August 31, 1976 creditable service for the purposes of chapter 32 of the General Laws, if said Carol J. McCarthy pays into the State-Boston Retirement System Annuity Savings Fund, in one sum or in installments, as said board shall determine, an amount equal to any retirement allowance or accumulated regular deductions received by her under the provision of said chapter 32.

Said Carol J. McCarthy shall also pay into said annuity savings fund, in one sum or in installments, as said board shall determine, an equal amount to the amounts which would have been deducted from the regular compensation of Carol J. McCarthy for the period from December 11, 1970 until August 31, 1976 had she been a member in service during that period. In addition to the payment of the amount required by the preceding sentence, said Carol J. McCarthy shall also pay into said annuity savings fund an amount of interest such that upon the completion of such payments the value of her accumulated payments under this paragraph, together with regular interest thereon, shall equal the value of her accumulated regular deductions for such period which would have resulted if such deductions had actually been made from regular compensation during the aforementioned period.

Upon the completion of the payments required hereunder, the State-Boston Retirement Board shall grant to said Carol J. McCarthy creditable service for the period from December 11, 1970, until August 31, 1976, but no such credit shall be granted until such payments are completed.



**SECTION 375.** The office of the trial court shall install and dedicate a plaque at the South Boston District Court commemorating the contributions of the late Honorable Chief Justice Joseph F. Feeney.

**SECTION 376.** The Austen Riggs center located in the town of Stockbridge is hereby exempted from the provisions of the ninth paragraph of section 70E of chapter 111 of the General Laws.

**SECTION 377.** In order to make the Constitution of the Commonwealth, as amended, accessible to and understandable to the citizens of the commonwealth, the secretary of the commonwealth shall publish no later than December 31, 2000, an unofficial version of the Constitution of the Commonwealth.

The unofficial version shall consist of the current text of the Constitution, as amended. Any provisions no longer in effect and any historical information, including references to former provisions and amendments that added sections, shall be attached as an appendix. The unofficial version shall be in Arabic, rather than Roman numerals for purposes of accessibility.

**SECTION 378.** Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall cease operation of the Readville train layover facility located in the Readville section of the city of Boston on or before July 1, 2001.

**SECTION 379.** (a) As used in this section, the following words shall have the following meanings:-

"County", Plymouth county, acting through its duly elected commissioners or other duly authorized representatives, or any governmental unit or body succeeding to the rights, properties, powers, duties, and responsibilities of said county.

"Registry of deeds", the Plymouth county registry of deeds, or any successor to the rights, powers, duties, and responsibilities thereof, acting through and by the register of deeds or his designee.

"Project", the new land records management facility to be constructed on a site located in the town of Plymouth on a portion of land owned by the county situated on the southeasterly side of Obery street in the town of Plymouth, as shown on land court Plan 2161B entitled "Subdivision Plan of Land in Plymouth, Massachusetts" dated March 14, 1995, filed with Certificate of Title No. 225 in the Plymouth land court division, being a subdivision of the land appearing on land court Plan 2161A, also filed with Certificate of Title No. 225.

(b) The county may plan, design, construct, equip, and furnish a new land records management facility, hereinafter referred to as the "project", to provide suitable and adequate facilities for the registry of deeds. The design, construction and equipping, construction management, development, financing, leasing, or any part of the project, and any contract relating directly or indirectly to said design, construction and equipping, construction management, development, financing, or leasing shall be exempt from section 26A of chapter 35 of



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the General Laws. Said project, however, shall be subject to the applicable provisions of sections 44A through 44J, inclusive, of chapter 149 of the General Laws.

The county may contract with one or more designers for the project following a designer selection procedure adopted in writing, prior to publication requesting applications, complying with the purposes and intent of sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws.

The county shall be subject to subsection (d) of section 38H of said chapter 7 of the General Laws, or as an alternative, undertake a value engineering review. A value engineering review shall include a detailed, systematic analysis of a project design, conducted by a knowledgeable and competent designer or multi-disciplinary team of designers to: (i) evaluate program requirements, design concepts, construction techniques, building systems and materials; (ii) review construction cost estimates and calculate estimated life-cycle costs; and (iii) recommend design changes that will produce a more cost-effective project by eliminating or modifying features that add cost to the facility but do not add to its quality, useful life, utility or appearance. The county shall require a value engineering review of the conceptual design following completion of the study and program for the project but prior to the acceptance of the study or program by the county.

(c) For purposes authorized by said subsection (b), notwithstanding the provisions of subsection (d) of section 28 of chapter 35 of the General Laws, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate \$4,500,000, and may issue bonds or notes of the county therefor which shall bear on their face Plymouth County Land Records Management Facility Act of 2000. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may annually dedicate revenue received by the registry of deeds in the course of its operations for the purposes of meeting debt obligations payable upon issuance of such bonds or notes. Said revenue will be derived from leased office space to title examiners, from postage and handling fees and from dedicated deeds excise receipts from the registry of deeds. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter 35 of the General Laws.

(d) No contracts may be entered into for the design, construction, development, financing, management or operation of the project, or any part of the project, without the approval of a majority of the county commissioners.

The county shall contract with an owner's representative, an official or firm designated by the county with appropriate fiscal, construction and procurement experience to serve as the focal point of responsibility and accountability on the project from the study and design phases through the completion of construction of the project. Such responsibilities shall include, but shall not be limited to, coordinating communication among the project participants, monitoring the project budget and schedule, and maintaining a central file for project records. On or before January 1, 2002 said owner's representative shall have obtained

certification through the Massachusetts certified public purchasing official program administered by the office of the inspector general. The owner's representative shall be deemed to be a county employee pursuant to chapter 268A with respect to the project.

(e) The county and the registry of deeds shall jointly prepare and file a report of the operations and procedures undertaken by the registry of deeds and the county under the provisions of this act with the clerk of the house and clerk of the senate, who shall forward the same to the house and senate chairmen of the committees on counties within 60 days after completion of construction.

**SECTION 380.** (a) Pursuant to section 32 of chapter 184 of the General Laws and notwithstanding the provisions of any other general or special law to the contrary, the commissioner of food and agriculture may release a portion of that agricultural preservation restriction dated March 29, 1982, recorded at Book 7568, Page 179, Worcester County Registry of Deeds, said portion being more particularly bounded and described as follows:- a certain parcel of land of approximately 1.857 acres, located on the northerly side of Woodside Road in Spencer, Worcester County, Massachusetts, shown as "Lot 1" on a plan of land entitled: "Plan of Land in Spencer, Mass., prepared for Roger Keith," By Andrysick Land Surveying, Inc., dated December 1, 1999"; said plan to be recorded in Worcester county registry of deeds; said parcel being more particularly bounded and described on Exhibit A attached which is incorporated by reference.

(b) The above-described land ("Lot 1") to be released, which has located on it a dwelling structure, pool, shed and two barns, is the personal residence of the owner of the entire land subject to the current APR - Roger and Mildred Keith, hereinafter referred to as Owner. In consideration of the release of Lot 1 and the "special permit" authorization described herein, Owner has agreed to, and shall execute a new, current Agricultural Preservation Restriction and an Option to Purchase at Agricultural Value, to be recorded at the Worcester registry of deeds, prohibiting the construction of future dwellings on the remaining APR land and granting the commonwealth an option to purchase of remaining APR land and granting the commonwealth an option to purchase the remaining APR land at agricultural value. The within legislative authorization shall also permit the commissioner to insert in the new APR to be executed by Owner the APR Program's standard "special permit" provisions for nonagricultural purposes. In the event that Owner does not execute the said new, current Agricultural Preservation Restriction and Option to Purchase at Agricultural Value, the existing agricultural preservation restriction shall be reimposed on said released parcel, unless the said restriction is released or discharged by the commonwealth in its entirety in the interim.

(c) Except as partially released by the section, the referenced agricultural preservation restriction shall remain in full force and effect.

**SECTION 381.** Notwithstanding the provisions of any general or special law or regulation to the contrary, the personnel administrator of the department of personal administration shall classify Francis Garrity, a correctional maintenance worker at MCI-Lancaster,

as a permanent employee as defined in section 1 of chapter 31 of the General Laws.

**SECTION 382.** Notwithstanding the provisions of any general or special law to the contrary, the employees of State Veteran Memorial Cemetery in the town of Agawam shall be exempt from chapter 31 of the General Laws. Further preference in hiring at said cemetery shall be given first to veteran's as defined in section 1 of chapter 115 of the General Laws and second to residents of the former Hampden county.

**SECTION 383.** Notwithstanding section 28K of chapter 32 of the General Laws or any other general or special law to the contrary, any member of the state employees' retirement system who was employed as a full-time employee representative at the National Association of Government Employees from July 1989 to June 1995 shall be considered as having been on leave of absence, without pay, for the period of his employment as a full-time representative of said organization. Such member may, however, before the date of any retirement allowance became effective for him, pay into the annuity savings fund of said system, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular contributions for such previous period had such service been rendered in service of the commonwealth and had he been a member of said system during the period the service was rendered, plus regular interest thereon.

**SECTION 384.** The superintendent of state office buildings shall, subject to the approval of the art commission pursuant to section 20 of chapter 6 of the General Laws as to size and content, install a plaque for the Doric Dames on the second floor in the Bulfinch section of the state house. The plaque is to be provided and maintained by the Doric Dames, Inc.

**SECTION 385.** Notwithstanding any general or special law to the contrary, any electronic answering service in use by a department, board, commission, authority or agency of the commonwealth for the purpose of receiving telephone calls shall present all callers with the option of speaking with a live operator.

**SECTION 386.** Notwithstanding the provisions of section 17 of this act or the provisions of any general or special law to the contrary, the current members of the public employee retirement administration commission serving upon the effective date of this act shall continue to serve until the expiration of their terms and until the qualification of their successors, but nothing contained in this section shall prohibit current members from reappointment upon the expiration of their respective terms.

**SECTION 387.** Notwithstanding any general or special law to the contrary, the commissioner of highways, shall prohibit trucks on Needham street in the town of Dedham and shall post on interstate route 95 signs indicating the preferred alternative route as United States route 1 in the town of Dedham.

**SECTION 388.** Notwithstanding the provisions of any general or special law to the contrary, the personnel administrator shall certify any active employee who served in a civil



service position in the town of Brookline as a provisional employee for a period of at least one year immediately prior to January 1, 1999 to permanent civil service status in that position. This section shall not apply to police officers or firefighters.

**SECTION 389.** Richmond Telephone Company may contract or owe debts or enter into guarantees to a larger amount than one-half of its capital stock actually paid in, but in no event and at no time shall such debt or guarantee exceed \$3,500,000 in the aggregate.

**SECTION 390.** Notwithstanding any general or special law to the contrary, in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of said authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the general fund from the funds received from the operations of said projects such costs, if any, as shall be incurred by the commonwealth for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance.

**SECTION 391.** (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2001. Based on the criteria outlined in this section, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year, or that shall be required to use revenues for extraordinary nonschool-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to one and one-half times the state average municipal revenue growth factor, may appeal to the department of revenue not later than October 1, 2000 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget of the fiscal year ending on June 30, 2001, shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth



factor is valid, said department shall recalculate such municipal revenue growth factor and the department of education shall use such revised growth factor to calculate preliminary local contribution, minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in minimum required local contribution.

(e) Upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than October 1, 2000 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a Plan E city, or the mayor in any other city, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(g) If the regional school budget has already been adopted by two-thirds of the member municipalities, then upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with the provisions of this section.

(h) Notwithstanding the provisions of clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in said chapter 70. The house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the minimum required local contribution amount.

(i) In the event that a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine

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the extent to which the community shall avail itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year 2001 under said chapter 70 or any other provision of law shall not be changed on account of any redetermination of the required minimum local contribution under this section.

(k) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

**SECTION 392.** Notwithstanding any general or special law to the contrary, Mount Wachusett Community College may borrow an amount not to exceed \$1,200,000 through the Massachusetts health and educational facilities authority for the planning, design and construction of the Robert D. Wetmore Center for Innovation in Design, Technology and Resource Development, so-called, and for a child care facility.

**SECTION 393.** The department of education shall, subject to appropriation, establish and administer a program to train school personnel in the development of teacher support teams for the implementation of a pre-referral system for those school districts with the highest percentage of school age children identified as children with disabilities, as defined in section 1 of chapter 71B of the General Laws, as compared to other similar schools, and those districts which have a disproportionately high number of limited English proficient students or minority students enrolled in special education programs. The department shall assist the school districts in developing a mechanism for the delivery of appropriate instructional accommodations within the regular education classroom.

**SECTION 394.** (a) Based on the criteria outlined in this section, upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the department of education may recalculate the minimum required local contribution for a municipality's local and regional schools, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2001.

(b) If the per cent growth in the minimum required local contribution of a municipality between fiscal year 2000 and fiscal year 2001 exceeds 25 per cent, said municipality may appeal to the department of education not later than October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. If a claim is determined to be valid, the department may reduce the minimum required local contribution to a level equal to the prior year minimum required local contribution multiplied by 1.25, or to the lowest level consistent with net school spending equal to the foundation budget for all the districts of which the municipality is a member, whichever is greater. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 213 of this act.

(c) If the net school spending requirement of a municipality exceeds 200 per cent of its foundation budget, said municipality may appeal to the department of education not later than October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. The department shall determine whether such unusual spending require-

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ment is a result of identifiable past or present anomalies in the level of required local contribution. If so, the department may reduce the minimum required local contribution by up to the amount by which the required local contribution is inflated due to said past or present anomalies, but in no circumstance shall the net school spending requirement of any district of which the municipality is a member be allowed to drop below the level of the foundation budget. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 94 of chapter 127 of the acts of 1999.

**SECTION 395.** Notwithstanding any general or special law to the contrary, the division of medical assistance, in this section called the division, and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interagency agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the Social Security Act. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of actions pursuant to this section shall be deposited in the general fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

**SECTION 396.** Notwithstanding any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to



be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public health facilities pursuant to relevant division of health care finance and policy regulations and the related Title XIX state plan amendment submitted by the division of medical assistance to the Health Care Financing Administration. The division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to it from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the general fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds pursuant to this section.

**SECTION 397.** Notwithstanding any general or special law to the contrary, no provider of podiatric care who is in good standing in his profession and who has been a previously approved provider by the GIC indemnity plan, plus plan, a commonwealth PPO or HMO plan, shall be terminated as a provider from any such plan due to any new requirements for additional training or other new requirements of certification in such profession imposed by any such plan unless said provider has failed to comply with such new requirements after three years of receiving notice of such new requirements from said plans.

**SECTION 398.** Notwithstanding subsection (c) of section 18 of chapter 118G of the General Laws or any other general or special law to the contrary, in fiscal year 2001, all expenditures for the insurance reimbursement program established pursuant to section 9C of chapter 118E of the General Laws shall be made from the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws. The comptroller shall transfer \$44,000,000 from the Uncompensated Care Trust Fund established by said section 18 of said chapter 118G to said Children's and Seniors' Health Care Assistance Fund. The transfer shall only be made in monthly allotments of not more than one-twelfth of the total amount approved for transfer herein. Federal funds obtained pursuant to such expenditures shall be deposited in said Children's and Seniors' Health Care Assistance Fund.

**SECTION 399.** Notwithstanding any general or special law to the contrary, federal reimbursements received for administrative expenditures made pursuant to items 1599-0100, 1599-0111, 4000-0300, 4000-0309, 4000-0310, and 4000-0325 of section 2 shall be credited proportionally to the general fund and to the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws in the same percentages as expenditures are made from each such item from said funds; but all federal revenues received pursuant to an enhanced rate of reimbursement authorized pursuant to the



provision of Title XXI of the federal Social Security Act shall be credited to said Children's and Seniors' Health Care Assistance Fund.

**SECTION 400.** The department of public health shall contract with a nonprofit health care policy organization with expertise in improving access to health care, to conduct a survey of health insurance provided to staff of long term care facilities, home health agencies, home care agencies, and personal care attendants and other workers who provide direct health care services. The organization, under the direction of said department, shall conduct a survey of all relevant employees and employers and compile data and information into a report to be submitted with recommendations on improving access to health insurance for health care workers to the general court. The survey and report shall identify the following:

- (a) the average income and family size of health care workers;
- (b) the size of employers and number of employees within each type of facility or agency;
- (c) the types of health insurance provided by employers, the cost of the health insurance including expenditures by employers and costs to employees for specific facilities and agencies;
- (d) the number of employees who enroll in employer-offered health insurance plans and reasons for not participating in health programs;
- (e) the number of employees who are enrolled in state administered health insurance programs;
- (f) a list of options and recommendations for increasing access to health insurance for health care workers, including state participation and whether federal contribution would be permitted; and
- (g) estimates of the costs to employers, employees and the commonwealth for the health care insurance options, including projected numbers of participants.

The organization shall develop the report and recommendations, in consultation with the Extended Care Federation, the Massachusetts Home Care Association and the Home Health Association of Massachusetts. The organization shall be provided \$100,000 in order to assist in the collection of data and the production of said report. The department shall file said report not later than June 1, 2001 with the senate and house committees on ways and means.

**SECTION 401.** There is hereby established in, but not subject to the control of the executive office of health and human services, an office of substance abuse services. Said office shall establish policy goals for and effectuate the coordinated delivery of all publicly-funded substance abuse services in the commonwealth. Notwithstanding the provisions of any general or special law to the contrary, upon the establishment of said policy goals, but not later than December 1, 2000, no contract for substance abuse services purchased by a state agency, including contracts then in effect, shall continue to be obligated or encumbered for fiscal year 2001 expenditures unless approved by said office. Any such contract in effect

for fiscal year 2001 which does not conform to said policy goals shall be modified to so conform not later than January 31, 2001.

Contracts for the purchase of substance abuse services over which said office shall exercise policy control shall include contracts funded and administered by the departments of public health, mental health, social services, transitional assistance, youth services, and the department of corrections within the executive office of public safety. Substance abuse services purchased by the division of medical assistance shall be reviewed by said office for conformity with said policy goals, but shall not be subject to approval by said office, unless shown to be significantly incompatible with the policy goals established by said office, in which case, said office shall collaborate with the single state agency to ensure that services funded through Title XIX of the Social Security Act integrate medically necessary services with community-based recovery and support services. Each such agency shall cooperate fully with any and all information requests made by said office, including, but not limited to, complete descriptions of consumers targeted, programs funded, funding sources, vendor contract requirements and performance standards, and historical expenditures in the current and former fiscal years.

The office shall be managed by a director who shall be recommended by the secretary of health and human services for appointment by the governor. The director so recommended shall be: (1) knowledgeable about the delivery of substance abuse services in the commonwealth (2) knowledgeable in the multiple treatment models and service delivery options for detoxification, recovery and post-recovery support of substance abusers, (3) familiar with the types and funding of substance abuse services procured by and delivered in the commonwealth; and (4) familiar with commonwealth purchased services procurement and reimbursement practices.

Said aforementioned agencies, including the division of medical assistance, shall enter into interagency service agreements with said office of substance abuse to provide staffing adequate to support the functions of said office, including but not limited to policy goal development, contract oversight, and reimbursement analysis. The amount of such agreements, including any costs of personnel, established by agreements shall be subject to approval by the secretary of health and human services.

The policy goals established by said office shall incorporate, refine and elaborate upon the following broad principles: (1) Substance abuse services should be accessible, to the maximum extent feasible and subject to appropriation, to all families and individuals at the time services are needed; (2) Entry into the service delivery system should not be restricted to medical or other clinical referrals but accessible by family, community or other non-institutional sources; (3) A continuum of services should be developed that allows a seamless transition for substance abusers from acute detoxification support services to post-recovery services, including residential recovery centers and community-based support organizations; (4) Reimbursement for such services shall reflect the reasonable cost of delivering care to individuals in the most appropriate, least restrictive settings; and (5) Third

party insurance payors should be encouraged to adopt principles established by said office in order to assure that substance abuse services paid from state and federal funds remain the payor of last resort to make such services available to the uninsured.

A council representing consumers and providers representing the continuum of substance abuse services shall advise said office on the development of said policy goals. The advisory council shall be appointed by and chaired by the secretary of health and human services. The council shall recommend to said office of substance abuse services the refinement and elaboration of principles stated in the preceding paragraph and shall submit its recommendations in a report to be filed with the house and senate committees on ways and means, the joint committee on health care, the joint committee on insurance and the joint committee on human services and elderly affairs not later than February 1, 2001.

**SECTION 402.** For the purpose of rationalizing the service delivery model for the provision of homeless beds and services, and to ensure that reimbursement for such services are equitable and uniform, the department of transitional assistance is hereby authorized and directed to develop a uniform class rate system for congregate and scattered-site shelter beds and services provided by the department through contracted vendors funded in item 4406-3000 of section 2. Said uniform class rate system shall be implemented in fiscal year 2002.

Said department shall determine standardized rates for each service provided, including, but not limited to, rates for the provision of shelter beds, food, clothing, substance abuse counseling, job training services, job search assistance, case management services, educational services and tracking costs. Said rates shall be not less than \$20.00 per bed per day. Said rate adjustments shall not affect current rates for: (i) substance abuse family shelters; (ii) health care services operated by health care for the homeless; (iii) day programs operated by St. Francis house, project place, federated Dorchester, Hyannis salvation army, and open pantry; and (iv) the homeless intercept program operated by the department of housing and community development. The department shall use such rates to competitively procure all homeless services for congregate and scattered-site homeless beds purchased under item 4406-3000 beginning in fiscal year 2001, but contract awards based on said rates shall not annualize in fiscal year 2002 beyond the amount appropriated for each such item in fiscal year 2001.

Said department shall submit fiscal year 2002 budget recommendations that shall reflect said rates to the house and senate committees on ways on or before February 1, 2001.

**SECTION 403.** Notwithstanding any general or special law to the contrary, the division of medical assistance shall extend the number of nursing facility bed-hold days to 20 for patients of the facility on medical leaves of absence from the facility receiving benefits under chapter 118E of the General Laws, established in section 284 of chapter 194 of the acts of 1998. The division shall pay to reserve a bed for patients admitted on an inpatient basis to a hospital, as defined by the division's regulations, for up to 20 consecutive days. Reimbursement to nursing facilities for the eleventh through the twentieth bed-hold day, inclusive, shall be paid at the lowest rate established by the division of health care finance



and policy for the nursing facility in which the person resides for the rate year in which the medical leave of absence occurs. For the purposes of this section, a "medical leave of absence" shall be defined as an inpatient hospital admission which meets all criteria for Medicare hospital level of care pursuant to the provisions of Title XVIII of the federal Social Security Act, as determined by the federal health care financing administration or its agent.

Nothing in this section shall establish an obligation of the commonwealth or the division of medical assistance to offer extended bed-hold days under the provisions of this section for any medical leave of absence that does not meet the criteria or determinations for medical necessity.

The criteria and standards in effect for bedholds for non-medical leaves of absence shall remain the same as those in effect in fiscal year 2000.

**SECTION 404.** Notwithstanding the provisions of any general or special law to the contrary, the Division of Medical Assistance is hereby authorized to continue development of the Senior Care Options Demonstration Project, so called, but shall not enter into any contract to establish or implement said demonstration project prior to legislative authorization. Said division shall convene a task force consisting of the chairs of the Joint Committee on Health Care, the chairs of the Joint Committee on Human Services and Elder Affairs, the Secretary of Health and Human Services or his designee, the Secretary of Elder Affairs or his designee, a representative of the American Association of Retired Persons, a representative of the Alzheimer's Association, a representative of Massachusetts Home-Care Association, a representative of Massachusetts Council on Aging, a representative of the Massachusetts Extended Care Federation, a representative of the Home and Health Care Association and Massachusetts Aging. Said task force shall submit a report to the Speaker of the House of Representatives, the President of the Senate and the Chairmen of the Committees on Ways and Means, not later than October 1, 2000, with detailed recommendations for the implementation of said demonstration project.

**SECTION 405.** The division of health care quality of the department of public health shall develop, in consultation with the nursing home industry and consumer representatives, a confidential consumer satisfaction survey for long-term care facilities. The division shall conduct said survey at least annually and shall survey consumers of each facility as well as family members, guardians or other resident designees. The division may survey a representative sample of residents in each facility selected at random to participate in said survey, but the sample of residents must be of sufficient size to allow for statistically significant comparisons between and among facilities. The division shall allow family members, guardians or other resident designees to assist a surveyed resident in completing said survey and shall prohibit employees and volunteers of such a facility from assisting a resident with or attempting to influence a resident's response to said survey. The division shall survey family members or guardians when a resident is mentally incapable of responding to said survey. In addition to resident surveys, the division shall survey family members and guardians or other resident designees separately. The division shall ensure that the identities of the survey respondents are kept confidential. The division shall compile the



survey results and make the results available in print as well as electronically.

**SECTION 406.** Notwithstanding any general or special law to the contrary, all enrollees in the pharmacy program and the pharmacy program plus, so-called, as of March 31, 2001 shall be deemed eligible for the catastrophic prescription drug insurance program established in section 46. Beginning April 1, 2001 the department of elder affairs, in consultation with the division of medical assistance, shall transition any and all individuals enrolled in the pharmacy program and the pharmacy program plus, so-called, from said programs to the catastrophic prescription drug insurance program established pursuant to said section 46. Said transition shall be completed by September 30, 2001.

**SECTION 407.** Notwithstanding the provisions of any general or special law to the contrary, the commissioner of veterans' services may establish a training program for veterans' agents and directors of veterans' services in cities and towns of the commonwealth. The purpose of such training program shall be to maximize federal assistance available for veterans and to assure that such agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits. The subject matter of such training program shall include benefits available under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income, and Social Security Disability benefits, as well as federal pension and compensation entitlements. The commissioner shall promulgate regulations for said training program. Upon successful participation by such veterans' agents or directors of veterans' services in such training program, the costs of such training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which such costs were paid.

**SECTION 408.** Notwithstanding any general or special law to the contrary, a retirement board may grant a cost of living adjustment to a former employee of a county, city, town, district or authority or to a spouse or other beneficiary of such an employee who is receiving a noncontributory pension from such governmental unit under the provisions of chapter 32 or under corresponding provisions of earlier laws or any general or special law in an amount equal to a cost of living adjustment granted pursuant to section 103 of chapter 32 of the General Laws for fiscal year 2000 at any time during fiscal year 2001 and such cost of living adjustments shall be retroactive to July 1, 1999, if the legislative body of such governmental unit has accepted the provisions of paragraph (h) of said section 103 of said chapter 32 pursuant to the provisions of said paragraph (h).

**SECTION 409.** The division of medical assistance and the department of public health shall coordinate services provided to individuals with HIV and AIDS. Such coordination shall include outreach activities, eligibility determinations, intake and enrollment. Said division and said department shall ensure that such identified and eligible clients receive the maximum services available under state law that are most appropriate for their clinical and

medical needs. Said division and said department shall maximize federal financial participation for any and all health-related and medical services provided to such individuals by ensuring that all such eligible individuals with annual incomes at or below 200 per cent of the federal poverty level are enrolled in MassHealth.

**SECTION 410.** There is hereby established a grant program to be administered by the Corporation for Business Work and Learning, in consultation with the local workforce investment boards and the department of public health, for the development of career ladder programs in long-term care facilities to upgrade skills of certified nurse's aides and entry-level workers in nursing homes, to improve employee retention rates and to improve the quality of care provided in such facilities. Such career ladder programs shall include, but not be limited to, programs that establish a three-level career pathway for certified nurses' aides or that develop employee competencies in specialized areas of care.

Said corporation shall award such grants, subject to appropriation, on a competitive basis to nursing homes or consortiums of nursing homes for the development of career ladder programs, including but not limited to curriculum development, instructors, instructional materials and technical assistance. Said corporation shall establish criteria for the selection of grant recipients to effectuate the purposes of this section. Said corporation shall require, as a condition of receipt of such grants, that each participating nursing home shall: (1) provide at least 50 per cent paid time for employees participating in training or instruction in connection with said career ladder program; (2) assist each participating employee in developing a career advancement plan; (3) increase employee compensation upon successful completion of each stage of the career ladder program; and (4) report quarterly to said corporation on the progress of the career ladder program implemented including, but not limited to, the number of employees served by the grant and their career progression within the long-term care facility and the certificates, degrees or professional status attained.

Said corporation shall develop partnerships with local workforce investment boards, community colleges and other community-based education and training providers and organizations to assist nursing homes and nursing home employees to fulfill training needs, including but not limited to, identifying sources of funding for such training, and to encourage and enhance access to additional and ongoing skill enhancement and career development in long-term care.

**SECTION 411.** Notwithstanding the provisions of any general or special law to the contrary, the group insurance commission shall conduct an analysis of the cost of administering dental and vision insurance, beginning July 1, 2001, to retirees insured under sections 10, 10B, 10C, 12, and 14 of chapter 32A of the General Laws, and their dependents, including the surviving spouses of such retirees, but the cost of the premium per month for such insurance coverage shall be borne by such retirees and their dependents and surviving spouses without contribution by the commonwealth. Within 90 days after the effective date of this act, the group insurance commission shall contract with a consultant to develop a plan

for implementing said benefits, including the necessary costs of administering said benefits. The plan shall include, but not be limited to, a timeline for implementing coverage, the threshold of participation necessary to provide said benefits, the cost of negotiating contracts for said benefits, and premium rate costs.

**SECTION 412.** Notwithstanding the provisions of section 28K of chapter 32 of the General Laws, or any other general or special law to the contrary, any member of the state teacher's retirement system, established under section 16 of chapter 15 of the General Laws, who was a teacher, as defined in section 1 of said chapter 32, and served as the full-time representative of the Massachusetts Association of School Superintendents, shall be considered as having been on leave of absence, without pay, for the period of his assignment as a full-time representative of said organization. Such member may, before the date of any retirement allowance become effective for him, pay into the annuity savings fund of said system, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to the that which would have been withheld as regular deductions from his regular compensation for such previous period had such service been rendered in service of said city and had he been a member of said system during the period the service was rendered, plus regular interest thereon.

**SECTION 413.** The department of housing and community development shall administer the federal low-income home energy assistance program in accordance with regulations promulgated under the federal Low-Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto. The fuel assistance shall be made available to elders and families whose income is not more than 200 per cent of the federal poverty level. The commonwealth shall not be obligated to provide any additional funds for such increase in household eligibility for the federal low-income home energy assistance program pursuant to this section. Resources from the program shall be administered by community action agencies and other appropriate community-based organizations, as determined by the department.

**SECTION 414.** (a) The commonwealth's education reform initiative demands quality and accountability from students, teachers, schools and school districts. The integrity of the instruments by which the commonwealth measures quality is a cornerstone of accountability. The validity of the Massachusetts Educator Certification Test, a high stakes test intended to measure minimum competency of prospective teachers, has yet to be objectively examined.

(b) The commissioner of education shall select a panel of three experts, not from the commonwealth, from a list of nationally qualified experts in educational and employment testing provided by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts Educator Certification Test as used in the certification of new teachers, and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification.



(c) The commissioner of education shall enter into a contract on behalf of the department of education, with the selected panel of experts to conduct such a study. The contract shall require that the study be completed not later than February 1, 2001.

(d) The commissioner and the department of education shall assist the panel of experts in obtaining all information, documents or other evidence necessary to conduct the study. To the extent the commissioner and the department of education are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the commonwealth in connection with the development, administration, scoring or validation of the Massachusetts Educator Certification Test, the house or senate committee on post audit and oversight may utilize their power to summons witnesses, administer oaths, take testimony and compel the production of evidence, to facilitate obtaining the necessary information.

**SECTION 415.** There is hereby established a pilot program to ascertain the benefits to communities of the use of armories maintained by the national guard for after-school and evening youth programs. Said pilot program shall include, but not be limited to, the following aspects: (1) only the armory located in the town of Natick and the armory located in the Dorchester section of the city of Boston shall be used for the program at no charge for such use; (2) municipal officials, school departments, or community-based organizations shall enter into memoranda of understanding with the national guard regarding the use of said armories; (3) such municipalities, school departments or community-based organizations shall be responsible for the costs associated with staffing the programs; and (4) the national guard shall ensure the security of weapons stored at the armories. The national guard, in cooperation with the appropriate parties to the memoranda of understanding, shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 on the status of said program, and the feasibility and cost of expanding said program to other communities.

**SECTION 416.** The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.804, regarding transportation of children requiring special education; 603 CMR 28.502.12(g), providing for TEAM determination as the daily duration of a student's program; 603 CMR 28.106, 603 CMR 28.203, 603 CMR 28.208 and 603 CMR 28.209 regarding parent consent and native language; 603 CMR 28.317.2(f), providing parents the right to observe any program for their child; 603 CMR 18.06, 603 CMR 18.07 and 603 CMR 18.08 regarding program and safety requirements for private special education schools; 603 CMR 28.508 regarding facilities for children in need of special education. For the purposes of this section, the term "603 CMR 28.502.4 prototype" as used in said 603 CMR 28.508 shall mean "separate classroom" and the term "603 CMR 28.502.4i prototype" as used in said 603 CMR 28.508 shall mean "separate facility", and 603 CMR section 28.204 regarding waiver of regulatory provisions.

**SECTION 417.** The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of



the General Laws: regulations requiring the Individualized Educational Plan Team to decide the specific placement necessary to meet the unique needs of a child with a disability including, but not limited to 603 CMR 28.322.

**SECTION 418.** The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.122 regarding definition of parent; 603 CMR 28.319, regarding the 45 school working day time line from the receipt of parents' written consent for evaluation or reevaluation, assessments, team meeting, development of the individualized educational plan, if required, and written notice thereof to parents; and 603 CMR 28.320.3 regarding written evaluations.

**SECTION 419.** Notwithstanding the provisions of 603 CMR 28.06(3)(e), the department of education shall insure that each child with a disability placed in an unapproved school shall have available to him programs which provide services consistent with state standards and federal law at 20 U.S.C. 1400 et seq. and regulations promulgated pursuant thereto.

**SECTION 420.** Notwithstanding the provisions of any general law, special law, or regulation to the contrary, a school age child with a disability who requires only a related service or services in order to access the general curriculum shall be protected by the same procedural and substantive rights as any other student with a disability. The board of education shall amend its regulations if necessary to ensure that a school age child with a disability shall include a student who only requires a related service or related services as set forth in section 1 of said chapter 71B as amended by sections 151 and 152 of this act. The department of education shall notify districts of the procedural and substantive protections applicable to a school age child with a disability who requires only a related service or services.

**SECTION 421.** Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the division of local services of the department of revenue to complete audits of city, town and regional school district spending of chapter 70 school aid. Any regulations, guidelines or protocols related to the performance of said audits which are adopted or promulgated separately by said department and said division, shall be compatible and shall identify discrete audit responsibilities for said department and said division for joint audits. Notwithstanding executive order 393 to the contrary, verification of financial and spending data conducted for the purposes of said audits shall be the primary duty and obligation of the division of local services and analysis of district education practices performed for the purposes of said audits shall be the primary duty and obligation of the department of education. Analysis of district education practices shall include, but not be limited to the evaluation of the alignment of curriculum and professional plans with the state curriculum frameworks and assessments as well as a review of the progress of student achievement. For districts with foundation enrollment of 1,000 students or more, said department shall request the assistance of the division of local services to assist in the financial compliance portion of said audits and shall coordinate the assistance

of said division. Said division shall collaborate with said department to perform not less than 24 school district audits. For all joint audits, said department shall coordinate the assistance of said division and publish final audit reports. Said reports shall be standardized in structure, organization, approach and subject content. Each such report shall include a study of the impact of unanticipated growth in enrollments and the costs of special education on municipal education budgets, where applicable including, but not limited to, the impact of said costs on other areas of appropriation within the municipal budget. Said department shall make available to said division information collected through its information management system, so-called, to assist in the tracking of individual student data and Massachusetts Comprehensive Assessment System test results. Said reports shall be made available to the house and senate committees on ways and means and the joint committee on education, arts and humanities, upon their completion.

**SECTION 422.** Notwithstanding the provisions of any general or special law to the contrary, the department of education shall promulgate regulations and guidelines clarifying certification standards for school nurses employed by school committees, municipalities, the department of public health or any other employer, and the department shall notify all superintendents and school nurses of such regulations and guidelines on or before January 1, 2001. The department shall file a report detailing its compliance with this section with the joint committee on education and the house and senate committees on ways and means on or before January 1, 2001.

**SECTION 423.** As a condition of the continued receipt of funding under items 4401-1000 and 4401-1001 of section 2, the 16 service delivery area administrative entities established pursuant to the Workforce Investment Act of 1998, 29 U.S.C. section 1511, shall submit quarterly reports, in coordination with the Corporation for Business, Work, and Learning, to the department of transitional assistance on the expenditure of the funds from the federal welfare-to-work grant, so-called, in each such service delivery area in order to monitor employment and training services for current and former recipients of the transitional aid to families with dependent children program. Such reports shall include, but not be limited to: (i) the number of individuals served who have exhausted benefits under said program; (ii) the number of individuals served who have incomes below the federal poverty level but have never received benefits under said program; (iii) the number of individuals served who are non-custodial parents; and (iv) the cost of service per individual served. Such reports shall include the name and social security number or other unique identifier for each individual receiving services under said grant. Such reports shall detail the types of services provided to each such individual, including but not limited to, job search, pre-employment training, post-employment training, mentoring, counseling, substance abuse treatment services and transportation services. Said department shall review such reports to ensure that no duplication of services exists between those provided pursuant to said items 4401-1000 and 4401-1001 and those provided pursuant to said grant. Said department may consider such reports in determining the allocation of funds to service delivery areas under

the skills training program, so-called, funded in said items 4401-1000 and 4401-1001.

**SECTION 424.** The department of education shall identify the ten school districts with the largest percentage of their school budgets deducted for charter school tuition payments pursuant to the provisions of section 89 of chapter 71 of the General Laws. For such districts, the department shall perform a study to simulate separate and distinct foundation budget and net school spending amounts for districts and any charter schools who receive charter tuition payments from such districts.

**SECTION 425.** Whenever the United States Secretary of Health and Human Services determines, in response to the inquiry authorized in section 426, that the commonwealth may substitute education and training for any or all of the work requirement established by chapter 5 of the acts of 1995 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, then, notwithstanding said chapter 5, item 4401-1001 of section 2, or any other general or special law to the contrary, recipients of aid to families with dependent children program may meet 50 per cent of the 20 hour work requirement by participating in a recognized job training or education program approved by the department of transitional assistance; provided, that if a recipient fails to complete said job training or education program, that recipient shall be ineligible to receive any future reduction in his work requirement.

**SECTION 426.** The commissioner of the department of transitional assistance shall make a formal inquiry of the secretary of the United States department of health and human services with respect to whether the commonwealth may substitute education and training for any or all of the work requirements established pursuant to chapter 5 of the acts of 1995 and the personal responsibility and work opportunity reconciliation act of 1996. Said commissioner shall make such inquiry within ten business days of the passage of this act in order to determine:

(i) whether the chapter 5 waiver, so-called, would need to be amended in order to allow training and education to be substituted for up to ten hours of the 20 hour work requirement allowed by the terms of said waiver without risk of penalties, sanctions or other costs might be incurred if such substitution were implemented;

(ii) how a policy of substituting education and training for said work requirement would affect the ability of the commonwealth to comply, in federal fiscal years 2001 and 2002, with the federally mandated TANF work participation rates, so-called, of 40 per cent and 45 per cent for all families and 90 per cent for two parent families; and

(iii) the types or categories of training and education activities that would qualify under the terms of said waiver for such substitution under the federal regulations adopted April 12, 1999.

In any discussion or correspondence with the federal government regarding the provisions of this paragraph, said department shall include the fact that the Massachusetts waivers, as continually applied since its approval, includes education, training and community service as work-related activities for the purpose of determining the work participation rate.



**SECTION 427.** The executive office of health and human services shall review the applications for all state and federally funded programs administered by departments under its jurisdiction, in order to determine the usefulness and feasibility of consolidating all or some of said applications into a single common application and the steps necessary to achieve such consolidation. Said executive office's review of applications shall include, but not be limited to, an assessment of the steps necessary to coordinate and consolidate the data fields common to said applications; an assessment of how the development of a common application can be coordinated with the development of the common client identifier, so called; and an assessment of how the development of a common application can be coordinated with the efforts of said departments to collect and verify income data. Said executive office shall submit a report to the secretary of administration and finance summarizing its findings and recommendations not later than 120 days after the enactment of this act.

**SECTION 428.** There is hereby established a cardiac care quality advisory commission to develop standards and criteria to be used by the department of public health for the purpose of collecting, monitoring and validating patient specific outcome data from all hospitals in the commonwealth that perform open heart surgery or angioplasty. The commission shall be comprised of the following five members to be appointed by the commissioner of said department: two cardiac surgeons to be appointed in consultation with the Massachusetts chapter of the Society of Thoracic Surgeons, two cardiologists to be appointed in consultation with the Massachusetts chapter of the American College of Cardiology; and one person to be appointed from a graduate school of medicine or public health with expertise in biostatistical data and the collection and validation of clinical outcome data. The members shall elect a chair.

The commission shall consider, among other things, (i) the types of data that should be collected from said hospitals, (ii) the types of outcomes to be reported including operative mortality rates, (iii) the form of reporting such data, (iv) the design and implementation of a system to validating all such data to ensure its accuracy and reliability, (iv) national standards for data collection and validation, and (v) open heart surgery and angioplasty data collection and validation methods used in other states, including the state of New York. The commission shall evaluate methods of obtaining similar such data in order to establish a baseline comparison to be used by said department in evaluating open heart surgery and angioplasty programs conducted at said hospitals. The commission shall prepare a report of its findings and recommendation for the development and methods of financing any such data collection and validation program and shall file a copy of said report with the department of public health, the chairs of the senate and house committees on ways and means and the joint committee on health care no later than March 1, 2001.

**SECTION 429.** In order to reduce the mortality and morbidity from, improve access to care for underserved populations and prevent the spread of cardiovascular disease, the department of public health shall, subject to the following conditions, approve the development and operation of new open heart surgery pilot programs at not more than seven



community hospitals in the commonwealth. The implementation of said programs shall be in phases with no more than three programs to be approved in the first phase and no more than two programs to be approved in any additional phase. There shall be a minimum of three years between each phase. Said department shall, subject to the following conditions, process approvals for three community hospitals in the first phase pursuant to 105 CMR 100.308 of its regulations. Final approvals on applications in the first phase shall be made no later than July 1, 2001. Applications in any additional phase shall be subject to a full determination of need approval pursuant section 25C of chapter 111 of the General Laws and shall not be processed pursuant to 105 CMR 100.308. All community hospitals applying to participate in these pilot programs shall demonstrate, to the satisfaction of the department, an ability to conform to the following requirements as a condition of obtaining any approval:

(a) each applicant must have executed a written affiliation agreement, including licensing arrangements consistent with the provisions of this section, for a term of at least five years, in a form satisfactory to said department, with an academic medical center having an accredited primary cardio-thoracic surgery residency program; but no single academic medical center may have affiliation agreements with more than two community hospitals; and, to the extent possible, community hospitals approved in the first phase shall have affiliation agreements with different academic medical centers;

(b) each applicant must be operating a fixed cardiac catheterization lab in accordance with standards established by the department of public health at the time of application;

(c) each applicant must be performing at least 1,000 cardiac catheterization procedures per year or have a projected annual cardiac catheterization volume of 1,000 procedures per year by the end of the third year;

(d) each applicant must have a projected open heart surgery volume of at least 300 procedures per year and a projected open heart surgery volume per surgeon of 100 procedures per year, by the end of the third year;

(e) each applicant must demonstrate an ability to finance any necessary capital improvements and operating expenses for said program;

(f) each applicant must develop programs for cardiovascular disease prevention and health promotion aimed at reducing the incidence of cardiovascular disease; and,

(g) each applicant must comply with clinical standards for program quality developed by the department.

Beginning on July 1, 2001, the department shall require all hospitals in the commonwealth that perform open heart surgery to submit patient specific outcome data and shall develop a process, after consulting with the cardiac care quality advisory commission established in section 428 of this act, for accurately and reliably validating all such data. Beginning on March 1, 2002, and annually thereafter, the department shall conduct an evaluation of all cardiac surgery programs in the commonwealth and shall submit a report of such evaluation to the house and senate committees on ways and means and the joint committee on health care. The review should include a case-by-case analysis of the cardiac

procedures delivered at community hospitals, peer review, systematic performance measurement and feedback, specific outcome data as well as an overall review of the quality of the service and the impact of the developing pilot programs on the primary academic medical centers and community hospitals. Based on the results of its annual evaluations of existing and new programs, the department, in its March, 2004 report, shall make a determination of (i) whether open heart surgery programs at the community hospitals included in the first phase of this pilot project have resulted in a material benefit to the public with no countervailing risk to the public health, and (ii) whether additional community cardiac surgery programs would be of material benefit to the health and safety of Massachusetts citizens. Notwithstanding the provisions of this section to the contrary, the department shall proceed with additional expansion of open heart surgery pilot programs beyond the first phase only upon a finding in said March, 2004, report that further expansion would materially benefit the health and safety of Massachusetts citizens.

Nothing contained in this section shall be construed to limit the authority of the department of public health to take any action authorized by law, against a community hospital obtaining a license hereunder, for failure to comply with any law, rule or regulation.

**SECTION 430.** The commissioner of education shall prepare a report investigating the utilization of educational collaboratives in the commonwealth by local and regional public school districts and charter schools.

Said report shall include, but not be limited to, the following: the use of collaboratives to provide both in-district and out-of-district special education services to school districts, the use of collaboratives to provide student transportation services to school districts, the use of collaboratives to provide professional development programs to teachers, and the use of collaboratives to provide bulk purchasing and other business services to school districts. Said report shall identify the costs and fiscal benefits of utilizing educational collaborative models. Said report shall identify the participation of school districts in regional collaboratives, identify regions of the state underserved by educational collaboratives; identify administrative, regulatory, and financial barriers that inhibit the expansion of educational collaboratives; and provide recommendations, if any, for the future use and expansion of collaboratives by school districts and charter schools in the commonwealth. Said commissioner shall, on or before January 1, 2001, file said report with the joint committee on education, arts and humanities and the house and senate committees on ways and means.

**SECTION 431.** The department of education shall conduct a study of and develop specific recommendations on methods to encourage school districts to contain the costs of special education, including but not limited to, incentives to encourage districts to contain such costs that may be implemented in conjunction with the reimbursement program established in section 171 of this act. Said department shall on or before February 1, 2001 submit a report of its study and recommendations to the joint chairmen of the committee on education, arts and humanities and the chairmen of the house and senate committees on ways and means.

**SECTION 432.** The department of education shall annually, on or before November 1, report to the general court on the implementation of the provisions of this act. Such report shall include a description on the progress made by school districts in implementing the federal standard, cost increases or savings in cities and towns, the degree of success in providing students with special services within the district or the commonwealth, the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and such other matters as said department deems appropriate. Such report shall be filed with the clerks of the house of representatives and the senate who shall forward the same to the joint committee on education, arts and humanities and the house and senate committees on ways and means. The joint committee on education, arts and humanities shall hold an oversight hearing to review implementation of the provisions of this act, including but not limited to the issues raised in the department's report.

**SECTION 433.** Notwithstanding any general or special law to the contrary, the departments of mental health and social services, in collaboration with the executive office of health and human services, shall submit a report identifying clinically appropriate service models for those populations of children and adolescents in the care of the commonwealth determined to be most in need of clinical mental health services. The secretary of the executive office of health and human services and the commissioners of the departments of mental health and social services shall identify disparities in the current service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings. Said report shall include descriptions, including cost analyses, of specific service models dedicated to improving the efficiency and clinical quality of the services provided to difficult-to-serve children and adolescents. Said departments shall identify existing budgetary resources or interagency agreements which could be configured to achieve the goals of serving such children. Said departments shall further identify the adequacy of such budgetary resources to meet the need for such services in all geographic regions of the commonwealth. Said report shall also detail changes during fiscal years 1999 and 2000 in the clinical acuity of children and adolescents in the care of the department of social services, as demonstrated by increased psychiatric hospitalizations and the need to develop more intensive residential programs. Said report shall be filed with the house and senate committees on ways and means not later than January 15, 2001.

**SECTION 434.** The secretary of the executive office of health and human services shall issue, by November 15, 2000, a report detailing said office's plan for taking into consideration the extra costs of goods, services and housing on Martha's Vineyard and Nantucket for providers and their employees when contracting for services there. Said report shall be filed with the clerks of the house of representatives and the senate on the date of issue.

**SECTION 435.** The department of education shall submit a report detailing the progress of the following items in section 2 towards the goals of education reform: 7061-



9400, 7061-9615, 7061-9620 and 7061-9621. Such report shall include, but not be limited to, a description of the purpose of any grants that are to be used within said items, the names and the amounts of the grants, whether the grants are competitive and whether there is any local match to such grants. Within the description of the purpose of such grants shall be included a statement which identifies the substantive contribution toward the goals of education reform achieved by such grants. The report shall also include performance goals and a completion timeline for each project relating to the items and shall also include a detailed spending plan for the funds appropriated within the items, including but not limited to, funds for the purpose of accounting and posting, printing, contracting and compensation and hardware and software purchases. The report shall be submitted to the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than January 20, 2001.

**SECTION 436.** The state auditor shall prepare a report on the expenditure of funds from items 2440-2000, 6030-7201, 6030-7211, and 6030-7221 for the removal of snow and ice. The report shall include, but not be limited to, an analysis of the following: (a) the adequacy of current controls on the expenditure of such funds; (b) the appropriateness of departmental standards for the activation of contractors; (c) measures taken to prevent fraud and abuse in the program; and (d) measures taken to control overtime compensation costs.

**SECTION 437.** In order to ensure the efficient use of the commonwealth's international trade and tourism dollars, the Massachusetts International Trade Council, the Massachusetts Export Center, and the International Trade Assistance Center in the city of Fall River, shall report quarterly to the house and senate committees on ways and means. The reports shall include, but not be limited to: a detailed description of the trade promotion activities of said organizations classified by trade market; expenditures on trade promotion activities, classified by subsidiary and trade market; the number of assistance calls received by said organizations; the number of business assistance calls referred to other agencies by said organizations; the number, frequency and title of publication requests; a description of all seminars and workshops offered by said organizations; the frequency, date, size and duration of inbound delegations and trade mission activities undertaken by said organizations, including the name and title of each individual, company or organization participating, the activities of such missions and delegations and a description of the performance-based standards established by said organizations for each mission and delegation including, but not limited to, a review of the correlation between expenses and future trade or investment commitments by said delegation or trade mission participants; the projected number, date and size of any planned missions or delegations; and a description of the trade or investment agreements and commitments brokered by said organizations including, but not limited to, the dollar amount, term, participating organizations, estimated job creation and revenues generated from each agreement or commitment for the commonwealth.

**SECTION 438.** The board of registration in medicine shall report to the legislature



on or before January 30, 2001 on its efforts to investigate and discipline physicians who represent a threat to the safety and welfare of the public, and shall establish a plan to eliminate the open case backlog of consumer complaints and statutory reports of physician misconduct and substandard care. The board's report shall examine and make specific recommendations on: (1) immediately reducing the backlog of open enforcement cases and prioritizing cases of greatest risk to the public, including complaints containing allegations of sexual misconduct; (2) increasing the number of final disciplinary actions; (3) identifying the level of resources necessary for the effective operation of the clinical care unit, the disciplinary unit and the consumer protection unit of the enforcement division; (4) decreasing the amount of time required to resolve cases; (5) maintaining a screening committee to accelerate the case review process; (6) modifying and improving the board's complaint intake process and tracking system; (7) improving communication with persons who have filed complaints with the board; (8) increasing the effective dissemination of final disciplinary actions to the public; (9) improving consumer education regarding their rights and procedures for filing a complaint with the board; (10) restructuring the composition and membership of the board; (11) understanding and utilizing successful investigation and discipline strategies employed by other state medical boards; and (12) any other innovations or recommendations the board deems consistent with fulfilling its obligation to investigate and discipline physicians who represent a threat to the safety and welfare of the public.

The board's report shall include: (1) the status of the board's review of all complaints that include allegations of sexual misconduct; (2) the status and number of cases that have been open for more than one year; (3) the status of the board's review of the number of physicians with three or more complaints; (4) the status of the board's review of cases involving law enforcement agencies; (5) the number of emergency suspensions granted by the board; (6) the number of complaints dismissed without the possibility for appeal by the complainant; and (7) such other information as the board deems necessary or appropriate to include in this report.

**SECTION 439.** The division of health care finance and policy is hereby authorized and directed to evaluate the costs, technological requirements and data reporting needs of requiring hospitals, nursing homes, chronic care and rehabilitation hospitals, other specialty hospitals, clinics, including mental health clinics, all other health care institutions, organizations and corporations licensed or registered by the department of public health and health maintenance organizations as defined in chapter 176G of the General Laws to report appropriate data, including, but not limited to nursing data, such as provider charges for services, measures which differentiate between severity of patient illness, mortality and morbidity rates, readmission rates; incidence of post-discharge professional care, length of stay; adverse complications, patient/family satisfaction with nursing care and indicators of the nature and amount of care provided by nurses including the average ratio of patients to registered nurses and licensed practical nurses, and unlicensed personnel, patient safety and nursing interventions for defined nursing activities such as pain management, skin integrity management, medication administration, patient education and discharge planning to enable

purchasers of group health insurance policies and health care services and for the public at large to make meaningful financial and quality of care comparisons.

(b) The division shall consult with interested parties, including but not limited to the Massachusetts nurses association, a health data conglomerate, the division of health care policy and finance, the division of medical assistance, the board of registration in nursing and the division of insurance in developing methodologies for collecting data pursuant to this section and plans of its use and dissemination.

Information collected by the division pursuant to this section shall be made available in the form of reports derived from raw data and/or through computer-to-computer access. All personal data shall be maintained with the physical safeguards enumerated in said chapter.

The division shall make said report, including any legislation necessary to effectuate its recommendations, to the joint committee on health care and the house and senate committees on ways and means not later than March 1, 2001.

**SECTION 440.** The public employee retirement administration commission shall perform an actuarial valuation of the commonwealth's pension obligation, known as an experience study, and shall update the valuation of pension system assets, in order to more accurately determine the funded status of said pension system. Said system assets shall be valued at an amount not more than 91 per cent of the market value of said assets as of January 1, 2000 for the purpose of determining said updated funding status. Said commission shall submit in a report the results of said experience study, asset valuation update and updated funding status, to the secretary of administration and finance and the house and senate committees on ways and means not later than November 1, 2000. Notwithstanding the requirements of the triennial pension funding schedule established pursuant to section 22 of chapter 32 of the General Laws, the secretary of administration and finance shall, upon the receipt of said report, prepare an updated pension funding schedule predicated upon said funded status as reported by said commission in said report. Said schedule shall be submitted to the house and senate committees on ways and means not later than December 1, 2000. Said schedule shall consider the first payment, which shall be scheduled for fiscal year 2002, to be the first payment of a new triennial schedule. Said schedule shall incorporate the following assumptions in the development of said new schedule: the final payment of said schedule shall be made in fiscal year 2018; the assumed rate of return on system assets shall be 8.25 per cent; the assumed annual wage increase of public employees shall be 6 per cent; the assumed annual rate of cost of living increases shall be 3 per cent; actuarial assumptions shall be based upon the 1983 group annuity mortality table; said schedule shall incorporate a constant percentage rate of growth for annual payments; to continue to fully implement the use of an actuarial valuation of assets, system assets shall be valued at no more than 91 per cent of market value; and the first payment of said schedule shall equal an amount no less than the payment for fiscal year 2002 according to the schedule currently in place.

**SECTION 441.** The board of library commissioners, in collaboration with the Massachusetts Corporation for Educational Telecommunications, shall conduct a study on the current usage and demand of technology-related library services of all public libraries in the commonwealth and the costs of extending technology-related library services to all public libraries. Said board shall submit a report that includes, but is not limited to, strategies and recommendations to maximize the use of state funds for the purposes of extending technology-related services to all public libraries in the commonwealth, the projected numbers of computer terminals needed in all public libraries, the costs of operation and maintenance of each computer terminal and the costs of connecting each computer terminal to a centralized network. Said report shall be submitted to the house and senate committees on ways and means not later than December 1, 2000.

**SECTION 442.** The registrar of motor vehicles is hereby directed to conduct a study of the potential benefits and disadvantages of implementing a fee for the issuance of temporary license plates to be used in the sale of medium and heavy duty commercial vehicles by dealers. Said registrar shall submit a report on the results of said study to the house and senate committees on ways and means and the clerks of the house of representatives and senate no later than September 1, 2000.

**SECTION 443.** The secretary of environmental affairs, in conjunction with the state comptroller, shall file a report with the house and senate committees on ways and means not later than January 14, 2001. The purpose of said report shall be to examine the structural balances of the budgeted environmental minor funds, so-called. Said report shall include, but not be limited to, the following funds; the Natural Heritage and Endangered Species Fund, the Mosquito and Greenhead Fly Control Fund, the Inland Fisheries and Game Fund, the Environmental Challenge Fund, the Toxics Use Reduction Fund, the Clean Environment Fund, the Environmental Permitting and Compliance Fund, Underground Storage and Petroleum Products Cleanup Fund, the Environmental Law Enforcement Fund, the Public Access Fund, the Harbor and Inland Water Maintenance Fund, the Marine Fisheries Fund, the Watershed Management Fund, the Low Level Radioactive Waste Management Fund, the Asbestos Cost Recovery Fund, the Clean Air Act Compliance Fund, the Solid Waste Disposal Fund, the Second Century Fund and the Safe Drinking Water Act Fund. Said report shall include, but not be limited to, the following:

- (a) the current fund balances of each said fund;
- (b) the enabling statutes for each said fund, including amendments thereto;
- (c) a five year history of spending charged to and revenue credited to each said fund;
- (d) fiscal year 1999 and 2000 expenditures charged to each said fund by line item and amount;
- (e) fiscal year 1999 and 2000 revenues credited to each said fund by revenue source and amount;
- (f) the structure or formula for each fee that supports each revenue source of each said fund, including the current fee, how long the current fee has been in place, the last time the fee was changed and by what amount;



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- (g) a comparison of fees charged in other states for similar services or purposes;
- (h) the current amount of outstanding uncollected fees or fines by each fund;
- (i) recommendations for changes in fee structures or formulas to correct structural fund deficits;
- (j) recommendations for consolidation of the environmental minor funds;
- (k) recommendations for reductions in expenditures to correct structural fund deficits;
- (l) recommendations to reduce all fund deficits to zero by the fiscal year 2005.

All said recommendations shall hold the General Fund, Local Aid Fund and the Highway Fund harmless and shall include any legislation necessary to effectuate the orderly and cost-effective implementation of the elimination of said structural fund deficits.

**SECTION 444.** The executive office of administration and finance and the state treasurer are hereby directed, in conjunction with the department of environmental protection and the state revolving fund administration, to examine and report on the status of clean and drinking water state revolving funds to be administered in the fiscal year 2005 and beyond. Said report shall include, but not be limited to, the number of projects ongoing, projected numbers of projects to be undertaken over the next 10 years, the status of the leveraging ratio of the fund, recommendations for changing or maintaining the current leveraging ratio and projections of the commonwealth's contract assistance payments over said time period.

**SECTION 445.** Notwithstanding the provisions of any general or special law to the contrary, the operational services division shall conduct a study of the effects of appropriations made in items 1599-6895 of section 2 of chapter 151 of the acts of 1996, 1599-6896 of section 2 of chapter 43 of the acts of 1997, 1599-6897 of section 2 of chapter 194 of the acts of 1998, and 1599-6898 of section 2 of chapter 127 of the acts of 1999 to increase the annual compensation of persons employed by private human service providers that deliver human and social services under contract with the executive office of health and human services and the executive office of elder affairs. Said study shall include, but not be limited to, an examination of the effect of said appropriations on the rate of personnel turnover, an analysis of the number of such persons who earned an annual salary of less than \$20,000 in fiscal year 1997 as compared to such persons who earned an annual salary of less than \$20,000 in fiscal year 2000, and an analysis of such persons who earned an annual salary of less than \$30,000 in fiscal year 1997 as compared to such persons who earned an annual salary of less than \$30,000 in fiscal year 2000. Said division shall file a report with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate on or before January 7, 2001.

**SECTION 446.** On or before December 15, 2001, the Massachusetts commission against discrimination shall complete the investigations and issue determinations of probable cause, or lack thereof, or otherwise resolve all the cases pending before the commission that were filed before June 30, 1998, processing first those cases filed with the commission before January 1, 1997. Said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2001 on the status of the backlog of cases pending before the commission, identifying those cases that were filed before June 30,



1998 in which the commission has failed to issue determinations of probable cause, or lack thereof, or otherwise resolved and stating the reasons therefor.

**SECTION 447.** The division of medical assistance shall report, not later than March 2, 2001, to the senate and house committees on ways and means, the joint committee on health care, and the oral health commission, on the impacts of increasing reimbursement rates for dental care. Said report shall detail: (a) the total number of dentists actively participating in the MassHealth dental program as of June 1, 2000 and on February 1, 2001; (b) the number of MassHealth members accessing dental services, per site, each month; (c) a regional breakdown of active MassHealth dental program practice locations; (d) the average number of MassHealth members served at such locations; and, (e) the number of actively participating MassHealth dentists staffed at such locations. Said report shall include, but not be limited to, the number of dentists projected to participate in said dental program and the number of MassHealth members projected to access said benefit as a result of said rate increase.

**SECTION 448.** The division of medical assistance shall submit a report to the house and senate committees on ways and means, not later than September 1, 2000, detailing the MassHealth eligibility redetermination process. The report shall include, but not be limited to, an account of the number of outreach workers actively conducting the redetermination process, the average number of redeterminations completed by outreach workers, the number of languages spoken by outreach workers, and a detailed account of the outreach efforts made by said division during said redeterminations to preserve member participation. Said account shall expound upon these efforts, detailing the number of letters sent to said members, number of telephone calls made by said outreach workers and the number of days a member is allowed for non-response prior to being disenrolled from the MassHealth program. Said report shall examine the correlation between linguistic, housing and cultural barriers and the non-return of MassHealth redetermination forms by MassHealth members, and the rate of disenrollment by ethnicity.

**SECTION 449.** The group insurance commission, in consultation with the public employee retirement association commission, shall study the feasibility and desirability of establishing a fund for the purpose of offsetting future state and local obligations to provide health care for retired employees. The group insurance commission shall, in consultation with an actuary, assess future unfunded health care liabilities of the commonwealth and its municipalities and report on how municipalities have addressed the problem, if at all. The public employee retirement association commission shall provide information related to the use of trust funds to offset unfunded pension liabilities. The study shall be filed with the house and senate committees on ways and means not later than January 1, 2001.

**SECTION 450.** The division of employment and training, the division of medical assistance and the division of health care finance and policy shall conduct a study to examine the fiscal and policy effects of extending or expanding the benefits available under the medical security plan established pursuant to section 14G of chapter 151A of the General Laws to ensure that unemployed uninsured individuals are receiving benefits from said plan.

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Said study shall be completed not later than October 1, 2000 and shall be filed with the house and senate committees on ways and means.

**SECTION 451.** The jury commissioner shall conduct a study of viable alternatives to the annual street list, so-called, and report its findings and recommendations including drafts of legislation necessary to carry out such recommendations with the house and senate clerks and the house and senate committees on ways and means on or before December 31, 2001.

**SECTION 452.** The secretary of public safety shall submit a plan to the house and senate committee on ways and means detailing the plan of the executive office of public safety for establishing an electronic communication link to improve the tracking of weapons transfers as required by clause fifth of the first paragraph of section 123 of chapter 140 of the General Laws, and the officer's plan for expenditure of funds contained in the Firearms Records Keeping Fund, established by section 2SS of chapter 29 of the General Laws, not later than December 1, 2000.

**SECTION 453.** Notwithstanding the provisions of any general or special law to the contrary, the department of mental retardation shall submit a report detailing the uses of funds appropriated in item 5911-1103 of section 2 of this act. Said report shall itemize the steps taken by the department in the utilization of the funds appropriated in said item for the goals of assuring oversight of services provided to consumers of the department residing in community settings funded by the department. Said report shall detail the methodology used by the department to distribute the funds appropriated in said item, including the configuration of personnel and the costs thereof. The department shall submit said report to the house and senate committees on ways and means not later than February 1, 2000.

**SECTION 454.** The Massachusetts Turnpike Authority shall study the feasibility and cost of implementing a program that allows all vehicles that are part of a funeral procession traveling upon any highway operated by or under the control of the authority to travel via manned toll booth lanes or in the fast lane, so-called, with the use of a temporary transponder without being charged for any toll. Said authority shall submit a report on the results of such study including any recommendations for legislation to the joint committee on transportation and the house and senate committees on ways and means on or before December 1, 2000.

**SECTION 455.** The board of building regulations and standards, in coordination with the department of fire services and the executive office of public safety, shall submit a report recommending regulations and changes to the General Laws that will provide for a more efficient building, electrical and mechanical permit issuance process, including but not limited to the consolidation of oversight authority in one agency, and which shall take into account consumer protection and safety. Such report shall include recommended changes necessary to consolidate the number of permits required for building improvement and construction. The report shall also include any other suggestions as said board, department and executive office deem necessary to increase the efficiency of said process and to protect

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public safety. The report shall be submitted to the house and senate committees on ways and means no later than January 31, 2001.

**SECTION 456.** Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall submit an annual report to the senate committee on ways and means which shall provide a detailed analysis of the dollar amount paid by any of the commonwealth's departments or agencies for the services of individuals who are not considered employees of the commonwealth. The report shall include the names of the organizations or companies for which the individuals work and a detailed summary of the services rendered by the individuals and the said report shall be submitted to the senate committee on ways and means on or before April 1 of each year.

**SECTION 457.** Notwithstanding any general or special law to the contrary, the office of travel and tourism and the metropolitan district commission, in consultation with the municipalities in the vicinity of the Quabbin Reservoir and the department of environmental protection, the department of environmental management, and the department of fisheries, wildlife and environmental law enforcement, shall jointly study the opportunities to expand recreational facilities and activities in said municipalities. Said study shall: (i) develop a strategy to promote the unique scenic beauty and cultural activities of said municipalities; (ii) delineate opportunities to expand recreational activities within said municipalities; (iii) study methods by which such activities may be expanded without compromising the integrity of the watershed area surrounding the Quabbin Reservoir; and (iv) study the environmental impact, if any, of current recreational and tourism activities in said municipalities on the water quality of said reservoir. Said study, together with recommendations for legislation, if any, shall be submitted to the house and senate committees on ways and means and the joint committee on natural resources and agriculture no later than February 3, 2001.

**SECTION 458.** The metropolitan district commission, in consultation with the department of environmental protection, shall prepare a report detailing the expected cost of the replacement or repair of sewer systems on property in the town of Sterling owned by the Sterling Camp Meeting Association. The commission shall submit the report to the joint committee on natural resources and the house and senate committees on ways and means no later than June 1, 2001.

**SECTION 459.** Notwithstanding the provisions of any general or special law to the contrary, each statewide elected officer shall submit a report to the house and senate committees on ways and means annually on or before April 1 for the prior calendar year for the prior calendar year detailing the expenditures of public funds by each such officer on print or electronic advertising in which the name, voice or image of such officer occurs. The report shall include, but not be limited to, a detailed description of each electronic or print advertisement produced, purchased or sponsored and information on the purchase of air time or print space, specifying the total television air time or print space purchased or delivered and the costs thereof.



**SECTION 460.** The division of medical assistance shall compile a report containing data on the number of Massachusetts seniors currently receiving health care benefits through the Medicare buy-in program, along with the number of otherwise qualified individuals who are not currently receiving these benefits. The report shall also include information on the average number of qualified seniors enrolled in the buy-in program through the division each year. The report shall be presented to the general court by December 31, 2000, along with recommendations on how the commonwealth can more effectively raise awareness of the buy-in program and make it easier for seniors to apply for benefits.

**SECTION 461.** Beginning fiscal year 2001, the department of education shall compile data on class size by grade and, where applicable, program and subject matter for each school and school district in the commonwealth. For purposes of this section, "class size", shall be defined as the number of students in a teacher's classroom for which the teacher is responsible and accountable, and shall be distinguished from "pupil-teacher ratio" as currently reported by the department.

**SECTION 462.** There is hereby established a special commission to report on the workings of the appeals court. Said commission shall consist of the house and senate chairs of the joint committee on the judiciary, the chief justice of the supreme judicial court, the chief justice of the appeals court, the chief justice for administration and management of the trial court, the chief justice of the superior court, a representative of the Massachusetts Bar Association, a representative of the Boston Bar Association and four members of the bar with significant experience in appellate practice to be appointed by the governor, one of whom shall be from southeastern Massachusetts, one of whom shall be from northeastern Massachusetts, one of whom shall be from central Massachusetts, and one of whom shall be from western Massachusetts. The scope of the commission's inquiry shall include, but shall not be limited to: (i) a study the feasibility and desirability of the regionalization of the appeals court, including an analysis of the benefits of regionalization to litigants outside of the metropolitan Boston area and of the additional costs and burdens that would result from regionalization; (ii) an examination of the court's current and anticipated future caseload, including an analysis of the geographical source of appeals court cases and of the effect that regionalization may have on the appeals court's ability to effectively manage its current and anticipated caseloads; (iii) an evaluation of the average time between the filing of an appeal and a final decision; (iv) a study of the efficiency of the court's internal procedures, including its practice of having all justices of the court review all panel opinions; (v) a study of administrative procedures, caseloads and outcomes of similar courts in other states; (vi) an examination of the staffing needs of the appeals court and the extent to which it impacts outcomes; and (vii) an analysis of the impact of regionalization on staffing issues. The commission shall submit its report to the joint committee on the judiciary and to the house and senate committees on ways and means not later than February 1, 2001.

**SECTION 463.** There is hereby established a special commission to examine and investigate the effectiveness and impact of chapter 280 of the acts of 1995, as a method of



preserving, retaining and creating defense and non-defense manufacturing jobs in the commonwealth, to report its findings, and to make recommendations to promote the preservation, retention, and creation of manufacturing jobs in the commonwealth.

Members of said commission shall be appointed as follows: five house members, one of whom shall be the house chairman of the taxation committee and one of whom shall be appointed by the minority leader of the house of representatives; five senate members, one of whom shall be the senate chairman of the taxation committee and one of whom shall be appointed by the minority leader of the senate; and four non-legislative members, jointly appointed by said speaker and said president, one of whom shall be a representative of organized labor in a defense manufacturing industry, one of whom shall be a representative of organized labor in a non-defense manufacturing industry, one of whom shall be a chief financial officer of a defense manufacturing corporation, and one of whom shall be a chief financial officer of a non-defense manufacturing corporation. Said members shall be appointed no later than September 4, 2000.

The special commission shall, in consultation with the commissioner of the department of revenue, make an investigation and report of its findings, including but not limited to, the impact of the single sales factor method of apportionment upon both the number of and wages of employees preserved, retained and created in defense manufacturing corporations and non-defense manufacturing corporations, a breakdown of the number and wages of exempt, non-exempt and hourly employees of said corporations, the revenue cost of the single-sales factor method of apportionment, the apportionment methods of other states, and the efficacy of the single-sales factor of apportionment as a job preservation, retention and creation strategy for the commonwealth.

Said commission may call upon officials of the commonwealth or its various subdivisions for such information as it may desire in the course of its investigation and study. Said commission shall report to the general court the result of its investigation and study and its recommendations, if any, by the filing of the same with the clerk of the house of representatives and the clerk of the senate on or before March 31, 2001. Said clerk shall forward said report to the house and senate chairmen of the joint committee on taxation.

**SECTION 464.** There is hereby established a special commission to investigate and study the problem of suicide across the lifespan, to consider innovative and coordinated measures to prevent and reduce the incidence of suicide through prevention and public health policy initiatives and strategies, and shall develop a state plan to reduce the incidence of suicide and self harm.

Said special commission shall consist of 13 members, including: three members of the senate appointed by the senate president, one of whom shall be a member of the committee on health care and one of whom shall be the minority leader or his designee, three members of the house of representatives appointed by the speaker, one of whom shall be a member of the committee on health care, and one of whom shall be the minority leader or his designee, the commissioner of public health or his designee, the commissioner of education or his designee, the commissioner of elder affairs or his designee, the commissioner of

mental health or his designee, the commissioner of public safety or his designee, the commissioner of youth services or his designee and the attorney general or his designee.

Said commission shall be integrated under the auspices of the Massachusetts Violence Prevention Task Force and the Injury Prevention and Control Program of the department of public health.

Said commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out said recommendations, by filing the same with the clerk of the house of representatives and the clerk of the senate on or before the first Wednesday in November, 2001.

**SECTION 465.** There is hereby established a special commission to evaluate the status of Massachusetts' veterans long term care services, the need of such veterans for long term care services, and the feasibility of establishing comprehensive long term care services for such veterans. Said study shall include, but not be limited to, an examination of the following factors: (1) an exhaustive analysis of the number of veteran's who may need institutional care and community-based long term care services in the commonwealth; (2) the extent and nature of long term care services currently available to such veterans; (3) an itemized list by location and size of any and all federally owned facilities or spaces that may serve as long term care facilities for such veterans; (4) a detailed evaluation of the number of existing long term care facilities that may provide such services to such veterans, including the number of empty beds, so-called, per facility that may be available for the provision of such services; (5) a cost-benefit analysis of the number of beds required to serve any and all veterans that may not currently have access to such long term care services; (6) the commonwealth's liability for subsidizing any and all long term care services that the commission deems necessary to provide quality care to such veterans; (7) a detailed and actuarially-sound assessment of the costs associated with establishing an independent program of long term care for such veterans who may be in need of long term care in Massachusetts; and (8) the availability of federal financial participation in establishing or expanding long term care services to such veterans.

Said commission shall consist of the secretary of administration and finance, the commissioner of the division of medical assistance, the commissioner of the division of health care finance and policy, the commissioner of the department of public health, the secretary of elder affairs, the commissioner of the department of veterans services, and the commandants of the Chelsea and Holyoke soldier's homes and four persons to be appointed by the governor, one of whom shall be a representative of the extended care federation, one of whom shall be a representative of health care for all, and two of whom shall be citizens who shall represent the interests of such veterans.

Said commission shall file a report on the results of its study, together with recommendations and any legislation necessary to carry out its recommendations with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means, not later than March 25, 2002.

**SECTION 466.** There is hereby established a Massachusetts commission for adult basic education. The commission shall be comprised of up to 30 members and shall consist of the following: a chairperson, four representatives from the field of adult basic education, two business representatives, two labor representatives from a list of three recommended by the President of the Massachusetts AFL-CIO and one representative from early learning, each appointed by the commissioner of education; one member to be appointed by the governor; one member of the house of representatives, to be appointed by the speaker of the house; one member of the senate, to be appointed by the president of the senate; and one member shall be appointed by the following: the secretary of administration and finance; the secretary of health and human services; the secretary of elder affairs; the chancellor of the board of higher education; the director of labor and workforce development; the president of the corporation for business, work and learning; the director of the department of employment and training; the commissioner of the department of transitional assistance; the commissioner of the department of public health; the commissioner of the department of mental retardation; the commissioner of the Massachusetts rehabilitation commission; the commissioner of the department of housing and community development; the commissioner of the department of corrections; the commissioner of the board of library commissioners; the director of the office of refugees and immigrants; and the executive director of the Children's Trust Fund.

The Massachusetts commission for adult basic education shall establish a vision and a plan for the future of the ABE service delivery system in which all under-educated and limited English proficient Massachusetts residents have appropriate and convenient access to effective ABE services. The work of the commission shall be staffed and supported by the department of education. The commission shall present recommendations to the board of education for the federal, state and local roles in implementing this plan. The board of education shall present an approved plan to the governor and the general court no later than December, 2001.

**SECTION 467.** Notwithstanding the provisions of any general or special law to the contrary, the secretary of environmental affairs is hereby authorized to implement the final report and recommendations by the department of environmental management on the citizen advisory committees established in connection with facilities and programs under the purview of the department, dated February 29, 2000; including the standards and procedures regarding advisory committees for the department of environmental management. This implementation shall include, but not be limited to, the following:

(1) establishment of an advisory committee for a given facility or program under the purview of the department of environmental management, as specifically authorized by the commissioner of said department, when deemed to be in the public interest to do so in connection with the performance of the duties and mandate of said department;

(2) the purpose or purposes for which an advisory committee is established shall be specified by the commissioner at the time of establishment or re-establishment of such committee;



(3) the commissioner shall appoint the members of the committee, who shall serve without compensation, and shall select members in order to achieve the following objectives:

(a) provide the committee with the expertise and knowledge to carry out its purposes;

(b) represent the interests of the persons or entities affected by or interested in the issues to be taken up by the committee;

(c) achieve, to the extent possible, diversity representation within the committee, with respect to race, ethnicity, and gender characteristics, as well as to recreational and conservation interests of the users of a given forest or park facility;

(4) for advisory committees that are authorized by the commissioner to convene and deliberate for more than two years, members shall be appointed for staggered terms. Generally, such terms shall be for three years, and members may be appointed for successive terms;

(5) unless specifically authorized by the commissioner, advisory committees shall be established for a period of time not to exceed two years;

(6) advisory committees, once constituted, shall establish, in consultation with said department, a charter approved by the commissioner that provides the following:

(a) the committee's official designation;

(b) the committee's objectives and the scope of its activity;

(c) the period of time necessary for the committee to carry out its purposes;

(d) the department official to whom the committee reports;

(e) how the department will provide the necessary support for the committee;

(f) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(g) the estimated number and frequency of committee meetings;

(h) the committee's termination date, if any, if more than two years from the date of the committee's establishment;

(i) procedures for selection of committee chair and other officers.

Advisory committee meetings shall be open to the public, and timely notice of each meeting shall be published as required in section 11A½ of chapter 30A of the General Laws. Interested parties shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules the chairman of the committee may prescribe. Exceptions to these requirements may be made if carried out in accordance with the provisions of said section 11A½.

Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, votes taken, and copies of all reports received, issued or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee and submitted to the commissioner.

A designated officer of employee of the department shall attend each meeting of each advisory committee. Absent specific authority from the department to the contrary, no advisory committee shall conduct any meeting in the absence of that officer or employee.



**SECTION 468.** A special commission shall be established to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and cost; loss of productivity in employment; cost to the commonwealth in terms of public safety, as based upon judicial and department of corrections involvement, including traffic fatalities and injuries; the increased incidents and awareness of college or young adult binge consumption and alcohol poisoning; and at-risk behavior patterns including, but not limited to, early sexual activity and academic under achievement in youth associated with early alcohol consumption.

The special commission shall consist of 18 members as follows: the secretary of administration and finance or his designee, the secretary of health and human services or his designee, the commissioner of public health or his designee; three members of the senate, three members of the house of representatives, a trial justice to be appointed by the chief justice of the trial court and one member of each of the following organizations to be nominated jointly by the senate president and the speaker of the house of representatives: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Massachusetts Health Policy Forum, Mothers Against Drunk Drivers, the Board of Higher Education, the Distillers Association.

The special commission shall meet, carry out and complete its work by March 1, 2001, reporting to the governor, the senate president, the speaker of the house of representatives, the chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives. The report shall contain recommendations for action including further legislative action.

The special commission shall expend not more than \$25,000 for expenses including, but not limited to, staff, travel, consultants and other related services and may accept in-kind research work and products from appointed members.

**SECTION 469.** There is hereby established a special commission to consist of the director of the division of registration, as chairman, three members of the senate, one of whom shall be appointed by the minority leader of the senate, three members of the house, one of whom shall be appointed by the minority leader of the house of representatives, the director of the board of registration in medicine or her designee, the commissioner of the department of public health or his designee, a member to be appointed by the Massachusetts Society of Naturopathic Physicians, a member to be appointed by the Massachusetts Medical Society, and a member to be appointed by the Acupuncture Society of Massachusetts, for the purpose of making an investigation and study relative to the utilization and licensing of complementary and alternative medical practitioners in the commonwealth. Said study and investigation shall include at least the following:

(a) a reasonable identification of the types of complementary and alternative medicine practitioners and therapies available to the citizens of the commonwealth;

(b) an estimation of the usage of such types of complementary and alternative medicine practitioners and therapies by said citizens;

(c) an evaluation of the necessity for state licensure of certain complementary and alternative practitioners, including practitioners of naturopathic medicine, as a consumer protection measure;

(d) a review of naturopathic education and training standards in existence within the United States;

(e) a review of the scope of practice in those states that license naturopathy;

(f) a review of standards of conduct, restrictions, and exclusions that might apply to naturopathy; and

(g) a review of the availability of third party reimbursement for therapies and services delivered by complementary and alternative practitioners in the commonwealth;

Said commission shall solicit public testimony and provide a summary of public comments. Said commission shall report to the general court the results of their investigation and study by filing the same, together with drafts of legislation necessary to carry out its recommendations, with the clerks of the house of representatives and the senate and submitting copies of said results to the chairmen of the joint committee on health care and the house and senate committees on ways and means on or before December 1, 2000.

**SECTION 470.** There is hereby established a special commission to examine mechanisms for recruiting and training as principals in public schools individuals from other professions who have the skills, experience and talent to be outstanding school principals, but who do not meet the existing statutory and regulatory requirements to serve as principals. The commission shall examine the use of incentives and other methods for recruiting these candidates and for providing the necessary training. The commission shall be chaired by the house and senate chairs of the joint committee on education, arts and humanities. The commission shall also include the commissioner of education or his designee and the chair of the education reform review commission. The commission shall include one individual appointed by each of the following: the board of higher education, the Massachusetts Association of Schools Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Principals' Center at the Harvard Graduate School of Education, the Massachusetts Business Alliance for Education, the Corporation for Business, Work and Learning, the Massachusetts Elementary School Principals' Association's, the Massachusetts Secondary Schools Association, the minority leader of the senate and the minority leader of the house of representatives. The commission shall file its recommendations, including any legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the senate and house of representatives not later than December 31, 2000.

**SECTION 471.** There shall be established within the department of labor and workforce development a coordinating committee on workforce development for the purposes of coordinating workforce development program goals and maximizing the impact of available resources and operations for fiscal year 2001 and subsequent years. The coordinating committee shall be chaired by the director of said department or his designee

and shall be comprised of, but not limited to, the following representatives or their designees: the president of the corporation for business, work and learning, the deputy director of the division of employment and training, the commissioner of the department of education, the chancellor of the board of higher education, one or more community college presidents, one or more state college presidents, the president of the University of Massachusetts, the secretary of health and human services, the director of the department of economic development, the commissioner of the department of transitional assistance, the commissioner of the Massachusetts rehabilitation commission, the commissioner of the Massachusetts commission for the blind, a member representing the Massachusetts association of workforce investment boards, a member of the service delivery area administrators' association and a representative from the attorney general's office. For planning purposes for the Workforce Investment Act of 1998, P.L. 105-220, said committee shall submit a report of activities to the Massachusetts workforce investment board, so called, the secretary of administration and finance and the house and senate committees on ways and means not later than May 15, 2001.

**SECTION 472.** There is hereby established a special commission for the purpose of studying and making recommendations concerning the use of internet technology. Said commission shall examine, but not be limited to, such areas as enhancing citizen access to government through the internet; protecting citizen's privacy rights on the internet; encryption; addressing internet and computer-based crimes; promoting electronic commerce in the commonwealth; addressing the digital divide, so-called; encouraging research and development in new information technology; restricting unsolicited bulk electronic mail and promoting cyber districts in older urban Brownfield areas.

The commission shall consist of three members of the senate, one of whom shall be appointed by the minority leader of the senate, three members of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives, the director of the office of consumer affairs or her designee, the director of economic development or his designee, the commissioner of education or his designee, the chairman of the board of higher education or his designee, the attorney general or his designee, the secretary of the executive office of health and human services or his designee, and seven members to be appointed by the governor, including one member of private industry who shall represent internet service providers, two members of private industry who shall represent businesses that engage in internet commerce, other than internet service providers, three members representing users and internet consumers, and one member who has significant internet and information technology experience.

**SECTION 473.** The department of revenue shall establish a special study commission to investigate the effects of internet sales and e-commerce on retail businesses in Massachusetts. The commission shall investigate the amount of sales tax revenue avoided through internet sales in the commonwealth, the economic effects of such revenue losses on the commonwealth and the competitive disadvantages at which Massachusetts merchants that



collect sales tax are placed as a result of tax-free internet sales. The commission shall recommend strategies and taxation policies to ensure a competitive marketplace among internet sellers and traditional retailers in the commonwealth once the existing federal moratorium on internet taxation expires.

The commission shall consist of 15 members, including three members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation; three members of the senate, one of whom shall be the senate chairman of the joint committee on taxation; the commissioner of revenue; the state treasurer and receiver general or her designee; and seven members to be appointed by the governor, one of whom shall be a representative of the Retailers Association of Massachusetts, one of whom shall be a representative of the Massachusetts Taxpayers Foundation, two of whom shall be independent merchants each operating at least one retail store in Massachusetts, two of whom shall be representatives from companies engaged in internet sales and e-commerce, and one of whom shall be a representative of a multi-state chain retail operation in the commonwealth.

The commission shall submit its recommendations to the joint committee on taxation and the house and senate committees on ways and means not later than November 15, 2001.

**SECTION 474.** (a) There is hereby established a special commission to study and report on the formulation of an advisory board to the department of corrections. The commission shall recommend to the general court the composition and mission of a permanent advisory board to the department of corrections.

(b) The commission shall be composed of four senators and four representatives. Three members shall be appointed by the senate president, three members shall be appointed by the speaker of the house, one member shall be appointed by the senate minority leader and one member shall be appointed by the house minority leader. The secretary of public safety, or her designee, and the commissioner of correction, or his designee, shall also serve as members of the commission.

(c) The commission shall report to the general court the results of said study, with a particular focus on the issues of incarcerated mothers, and its recommendations, together with drafts of legislation necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate. The committee shall file its final report on December 1, 2000.

**SECTION 475.** special commission is hereby established to study the creation of a statewide witness protection program. Said commission shall study all aspects of creating such witness protection program including, but not limited to, the protection currently offered witnesses, the amount currently spent on witness protection, the costs associated with such witness protection program, possible funding methods, the administration of the program and the types of witnesses who shall be given priority consideration for protection. The commission shall consist of the following members: the attorney general or his designee; the chair of the Massachusetts District Attorneys Association or his designee; the senate and



house chairs of the joint committee on criminal justice, who shall act as co-chairs of the commission; three members of the Senate, one of whom shall be appointed by the minority leader; and three members of the house of representatives, one of whom shall be appointed by the minority leader. The commission shall submit a report to the clerks of the senate and the house of representatives not later than December 1, 2000.

**SECTION 476.** (a) There is hereby established a commission on transportation improvement. Said commission shall consist of 13 members, including the secretary of transportation and construction or his designee who will serve as the chairman of the commission, the chairman of the Massachusetts Turnpike Authority or his designee, the chief information officer of the information technology division, the chairs of the house and senate committees on ways and means, a member of the senate appointed by the minority leader of the senate, a member of the house of representatives appointed by the minority leader of the house of representatives, the chairmen of the joint committee on transportation, and four persons to be appointed by the governor, two of whom shall be representatives of the Massachusetts Association of Regional Planning Agencies and one of whom shall be a representative of the Massachusetts Association of Highway Superintendents.

(b) The commission shall prepare a computerized tracking system of all road and bridge construction projects that receive state or federal funding, including all transportation improvement projects, hereafter referred to as TIP. The tracking system shall not include any projects or costs attributable to municipal reimbursements owed under the chapter 90 program, so-called, the public works and economic development programs, and the costs of administrative or maintenance operations of said department.

The tracking system shall include the following information:

- (1) project title and street and project location;
- (2) type of TIP;
- (3) TIP fiscal year;
- (4) TIP cost estimate;
- (5) percentage of federal funding for the project;
- (6) design and construction status;
- (7) award date;
- (8) notice to proceed date; and
- (9) estimated date of completion.

(c) Said commission shall complete the computerized tracking system not later than 60 days after the appointment of the commission members and not less than three months after the effective date of this act. The system shall be updated by the commission at least once per month.

Said commission, after preparation of the tracking system, shall, not later than three months after the effective date of this act, present the system to the house and senate committees on ways and means. The commission shall report thereafter biannually to said committees on ways and means regarding the status of the tracking system.

**SECTION 477.** There shall be a special commission to study regulatory obstacles to affordable housing production, including zoning and building regulations that may prevent maximum efficiency in the production of additional affordable housing for the citizens of the commonwealth. The commission shall consist of the following members: the chairs of the joint committee on housing and urban development, who shall co-chair the commission; the chairs of the joint committee on local affairs; a member of the senate appointed by the minority leader of the senate; a member of the house of representatives appointed by the minority leader of the house of representatives; the secretary of administration and finance or his designee; the director of housing and community development or her designee; and one representative appointed by each of the following organizations: the Massachusetts Association of Realtors, the Greater Boston Real Estate Board, the Home Builders Association of Massachusetts, Inc., the Massachusetts Municipal Association, the Massachusetts Federation of Planning and Appeals Boards, the Massachusetts Audubon Society, the Environmental League of Massachusetts, the Massachusetts chapter of the National Association of Housing and Redevelopment Officials, the Citizens' Housing and Planning Association, Inc., the Massachusetts Affordable Housing Alliance, the Massachusetts Association of Community Development Corporations, the Massachusetts Housing and Shelter Alliance, and the Greater Boston Interfaith Organization. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than January 31, 2001, with the clerks of the senate and house of representatives.

**SECTION 478.** There is hereby established a special commission to study the rules, regulations, operations and laws relating to the system of automobile insurance in the commonwealth. The special commission shall not study issues related to property damage automobile insurance coverages.

The commission shall be chaired jointly by the house and senate chairpersons of the joint committee on insurance or their designees, and shall consist of the following: two members of the house of representatives, to be appointed by the speaker of the house, one member of the house of representatives, to be appointed by the house minority leader, two members of the senate to be appointed by the senate president, one member of the senate to be appointed by the senate minority leader, the attorney general or his designee, one of whom shall be the registrar of motor vehicles, or his designee, and six persons to be appointed by the governor, one of whom shall be a member of the commonwealth Automobile Insurers, one of whom shall be a member of the Domestic Automobile Insurers, one of whom shall be a member of the Massachusetts Academy of Trial Attorneys, one of whom shall be a member of Masspirg, one of whom shall be a member from the Massachusetts Association of Insurance Agents, and one of whom shall be a member from the Automobile Insurers Bureau and three people who represent the consumers.

Said commission shall study the equality and efficiency of the present system of automobile insurance in the commonwealth. Said study shall include, but not be limited to,

the following issues: (i) the efficiency of the existing Safe Driver Insurance Plan, including, but not limited to, the six-year experience period, so-called; the minor at-fault accident threshold, so-called; the clean slate rule, so called; and antiquated traffic law violations; (ii) the feasibility of moving the commonwealth from the present automobile insurance system to a competitive system; (iii) the accuracy and fairness of the territory rating system; (iv) the elimination of the present option of self-only coverage or passenger coverage; (v) the establishment of the combination plate; (vi) the impact of the present minimum insurance requirements on the uninsured driving population and the impact of eliminating the personal injury protection threshold; (vii) a choice/no-fault automobile insurance system.

The commission shall submit the results of said study, along with drafts of legislation and a plan for the implementation of any recommendations to the house and senate committees on ways and means, the clerk of the house of representatives, the clerk of the senate, and the joint committee on insurance not later than six months after this section takes effect.

**SECTION 479.** There shall be a special commission to study the service needs of individuals with physical disabilities throughout the commonwealth for the purpose of identifying unserved and underserved populations, unmet disability related service needs, facilitating access to services, facilitate access to employment, eliminating duplication of programmatic efforts and achieving efficiencies in service delivery through cooperation and collaboration of state human service agencies and non-profit human service provider organizations. The commission shall consist of the following members: the chairmen of legislative joint committee on human services and elder affairs, who shall co-chair the committee; the chairmen of the legislative joint committee on health care; two representatives of consumer organizations representing the interests of individuals with disabilities, to be appointed by the chairs of the commission; the secretary of the executive office of health and human services, or his designee; the president of the Massachusetts Council of Human Service Providers, or her designee; the commissioners of the departments of mental health, public health, and mental retardation, or their designees; the commissioners of the commissions for rehabilitation; the blind, and the deaf and hard of hearing, or their designees. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than January 31, 2001, with the clerks of the senate and house of representatives.

**SECTION 480.** There is hereby established a commission to study the provision of end of life care services. Said commission shall consist of 15 members as follows: three members of the senate; one of whom shall be the minority leader or his designee; three members of the house of representatives; one of whom shall be the minority leader or his designee, the commissioner of public health, the secretary of elder affairs, the commissioner of medical assistance, the commissioner of the division of insurance and three persons appointed by the special subcommittee on end of life care as established through executive order, one of whom shall be a designee from the Hospice Federation of Massachusetts, one



of whom shall be a designee from the Massachusetts Medical Society, and one of whom shall be a designee from the Massachusetts Bar Association.

Members shall serve for terms of three years. Appointments shall be made not later than November 30, 2000. Vacancies in the membership of the commission shall be filled by the original appointing committee for the balance of the unexpired term. A chairperson shall be appointed by the governor. Members of the commission shall receive no compensation for their services, but shall be reimbursed for any authorized usual and customary expenses incurred in the performance of their duties.

The commission shall be permitted: (i) to use such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (ii) to make policy recommendations to agencies and officers of the state and local subdivisions of government to improve end of life care; and (iii) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it may deem necessary. The commission shall prepare a report detailing current end of life services and recommending improvements and expansions to said services. Said report shall be filed on or before March 1, 2001 with the house and senate committees on ways and means.

The initial members of the commission shall be appointed for the following terms: (a) the governor shall appoint two members for a term of one year, two members for a term of two years and one member for a term of three years; (b) one member of the senate for a term of one year, one member for a term of two years and one member for a term of three years; (c) one member of the house of representatives for a term of one year, one member for a term of two years and one member for a term of three years; (d) the subcommittee on end of life care shall appoint two members for a term of one year, one member for a term of two years and one member for a term of three years.

**SECTION 481.** There is hereby established a special commission to evaluate whether regulatory and licensure requirements required in the contracting of state-funded human services and social services programs may be duplicative, inefficient or unnecessarily costly. Said commission shall contract with an independent auditor to assist in said evaluation to quantify the fiscal impact, if any, of the current regulatory and licensure system.

Said special commission shall consist of 19 members, including: three members of the house of representatives, one of whom shall be the house chair of the joint committee on human services and elderly affairs; and one of whom shall be appointed by the minority leader of the house of representatives; three members of the senate, one of whom shall be the senate chair of the joint committee on human services and elderly affairs; and one of whom shall be appointed by the minority leader of the senate; the secretary of administration and finance or his designee; the secretary of health and human services, or his designee; two representatives from the human service providers community; and two individuals representing consumers of such services. One representative each from the departments of mental health, public health, mental retardation, social services, medical assistance, youth services and the office of child care services shall serve ex-officio on said commission. Said



commission shall be co-chaired by a member of the house and a member of the senate to be appointed respectively by the speaker of the house and the president of the senate.

Said commission shall hear testimony from providers of social services and human services relative to concerns that regulatory and licensure requirements of state agencies may create for providers of human services and social services. Said commission shall seek to inventory and calculate the cost to providers of such requirements, including the cost to providers and the commonwealth of monitoring, evaluating, enforcing and overseeing said requirements. Said commission shall seek to evaluate the extent to which said requirements may be duplicated across state agencies, and the reasons, if any, therefor. Said commission shall seek to evaluate the extent to which area offices within a state agency establishes conflicting, duplicative or unnecessary licensure and regulatory requirements. Areas of focus for the commission to consider may include, but need not be limited to, licensing processes, citizen monitoring and participation requirements, medication administration, utilization review, performance review, and human rights.

Said commission shall inventory which external accreditation organizations are available to substitute for state licensure and regulatory functions and shall evaluate the cost-effectiveness and effects on consumer protection of relying upon deemed licensure and accreditation by such external organizations.

Said commission shall inventory the reporting requirements imposed upon providers, the number of reports requiring substantially the same data, the cost to providers of generating and distributing such reports, and the purposes and uses to which such reports were put in fiscal years 1998 and 1999. Said commission shall further evaluate the degree of standardization of interpretation of federal and state laws and regulations between executive office of health and human services agencies and within the department of mental health.

Said commission shall evaluate the independent auditor's report and shall collect additional information as it deems appropriate and shall conclude said evaluation on or before December 4, 2000 by filing the results thereof with the clerks of the house and senate, the house and senate committees on ways and means and the joint committee on health and human services. Said report shall include recommendations for enhancing efficiencies and reducing administrative costs of the service delivery system for state agencies and providers. The commission shall also make recommendations relative to the introduction of a system whereby appropriate departments are to become the repositories of certain data, including recommendations for the means by which such data would be made available to any person or agency seeking information.

**SECTION 482.** There is hereby established a special commission to study and report on the current and potential resource needs of cancer research in the commonwealth. Said study shall consider funding options available for such research, including, but not limited to, use of the Health Care Security Trust and interest earned thereon. Said commission shall inventory the amounts and sources of funding for existing cancer research programs conducted by public and private research laboratories, academic medical centers,

medical schools and schools of public health throughout the commonwealth and the current and future status of such public and private funding, including funds made available by national institutes, other federal agencies, foundations, commercial entities, pharmaceutical firms and other sources. Said commission shall review federal protocols for awarding research grants and make recommendations relative to the commonwealth's adoption of comparable protocols that take into consideration the viability of research projects seeking state-supported funding, the potential impact of such funding on the health of the citizenry, any multi-year commitments such funding may create for the commonwealth, and criteria to maximize the benefits of such research funding and avoid funding that duplicates similar research projects conducted in the commonwealth.

The commission shall consist of: three members of the senate, two of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate; three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives; one representative to be appointed by the attorney general two representatives to be appointed by the commissioner of public health; and one representative to be appointed by the governor from the recommendation made by each of the following institutions: the Dana-Farber Cancer Institute, the University of Massachusetts Medical School, the Boston University School of Medicine, the Tufts University School of Medicine and the Harvard Medical School.

In conducting its study, the commission may request the assistance of officials and agencies of the commonwealth, or its various subdivisions. The commission shall file a report of its study, including its recommendations and drafts of any legislation, if necessary, not later than February 28, 2001, with the clerks of the senate and the house of representatives.

**SECTION 483.** There is hereby established a special commission to consist of four members of the senate appointed by the president of the senate, one of whom shall be the senate chairman of the joint committee on insurance and one of whom shall be the chairman of the joint committee on education arts and humanities, one member of the senate appointed by the minority leader of the senate, four members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the house chairman of the joint committee on insurance and one of whom shall be the house chairman of the joint committee on education, arts and humanities, one member of the house of representatives appointed by the minority leader of the house of representatives, the commissioner of administration and finance, who shall serve as chairman, the commissioner of education, the commissioner of insurance and five persons to be appointed by the governor, two of whom shall be special education administrators, one of whom shall be a representative of a health maintenance organization and one of whom shall be a representative of an insurance company and one of whom shall be selected from names jointly submitted by the Massachusetts Association of Parent Advisory Councils, the Federation for Children with

Special Needs, the Disability Law Center and the Massachusetts Advocacy Center for the purpose of making an investigation and study relative to the effect that the coverage provided by individual insurance policies has on the increased cost of special education and whether the reduction of covered services has caused cost shifting of these services to school districts. The commission shall report the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before January 1, 2001.

**SECTION 484.** Sections 51, 52, 79, 83, 84, 85, 86, 92 and 93 of this act shall apply to all retired members who have been retired for disability pursuant to section 6, 7, or 26 of chapter 32 of the General Laws, who, upon return to active service, would so return in the position of a sworn member of the department of state police, and who have not been fully reinstated as a sworn member of the department of the state police as of the effective date of this act.

**SECTION 485.** Section 81 of this act shall take effect as of April 8, 1993.

**SECTION 486.** The provisions of section 89 shall be effective for any applications filed subsequent to February 1, 2000.

**SECTION 487.** Sections 109, 110, 111, 112 and 113 shall apply to the spouses of veterans who died before or after the effective date of this act, but shall apply only to taxes assessed beginning on or after July 1, 2000.

**SECTION 488.** Sections 114 and 119 shall be effective for tax years beginning on or after January 1, 2001.

**SECTION 489.** Sections 10, 11, 103, 130, 134, 150, 151, 153, 155, 156, 160, 162, 166, 170, 175, 176, 178, 180, 181, 182, 183 and 251 shall take effect on January 1, 2001.

**SECTION 490.** Section 252 shall take effect on July 1, 2001.

**SECTION 491.** Section 216 of chapter 112 of the General Laws shall take effect on September 1, 2001.

**SECTION 492.** Section 54 of this act shall take effect on September 30, 2001.

**SECTION 493.** Sections 149, 152, 154, 163 and 167 shall take effect January 1, 2002.

**SECTION 494.** Sections 143 and 171 shall take effect on July 1, 2002.

**SECTION 495.** Section 40 shall take effect on June 30, 2003.

**SECTION 496.** Section 144 shall take effect on July 1, 2004.

**SECTION 497.** Section 47 shall take effect on December 31, 2005.

**SECTION 498.** Except as otherwise provided, this act shall take effect on July 1, 2000.

*This bill was returned on July 28, 2000, by the Governor to the House of Representatives, the branch in which said bill was originated, with his objections in writing to the following items therein:*

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*Items Disapproved:*

**SECTION 2:**

0330-4100	0330-4111	1599-0019	1599-0540	2310-0600
2460-0110	4000-0892	4000-1500	4513-1117	4590-0904
5011-0250	5911-1103	7003-0601	7004-0002	7006-0066
7006-0067	7007-0525	7010-0042	7010-0043	7030-1005
7061-0019	7066-0015	7066-0019	8100-0301	9744-1000

**SECTIONS:** 4, 12, 17, 19, 38, 39, 40, 43, 64, 104, 105, 106, 107, 138, 139, 147, 148, 160, 162, 168, 169, 177, 178, 201, 203, 204, 205, 206, 213, 218, 219, 220, 221, 222, 223, 225, 229, 234, 235, 240, 291, 294, 299, 322, 325, 331, 337, 338, 359, 365, 372, 378, 379, 382, 385, 386, 397, 400, 401, 402, 403, 405, 413, 414, 416, 417, 418, 419, 421, 422, 424, 425, 426, 430, 436, 437, 438, 439, 440, 442, 443, 444, 446, 448, 449, 450, 451, 452, 453, 455, 456, 457, 459, 460, 462, 463, 464, 465, 466, 468, 472, 473, 474, 475, 476, 477, 478, 479, 482, 495.

**SECTION 2** *Items reduced in amount*

Item	Reduce by	Reduce to
0321-2205	284,800	1,751,200
0321-2206	150,000	300,000
0339-1004	1,725,000	10,400,000
0540-1000	202,642	2,563,688
1102-3302	74,500	5,812,331
1108-5100	56,790	2,416,441
2300-0101	83,148	434,719
2440-0045	58,623	234,493
2444-9004	145,000	317,500
4000-0122	750,000	750,000
4130-3200	2,661,911	91,719,296
4512-0103	455,895	51,136,334
4513-1000	104,044	13,542,108
4580-1001	4,975,196	4,900,000
4590-0451	9,625,000	6,500,000
7003-0700	250,000	903,000
7004-0087	1,174,210	1,125,000
7004-2011	500,000	900,000
7006-0050	100,000	492,045
7006-1001	297,566	202,434
7007-0500	500,000	500,000
7007-0950	411,053	5,136,014



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Item	Reduce by	Reduce to
7030-1002	5,090,000	22,910,000
7030-1003	10,000,000	10,125,000
7035-0002	3,888,908	30,227,525
7035-0003	75,000	150,000
7061-0020	4,300,000	1,300,000
7061-0025	3,000,000	1,000,000
7061-9614	500,000,	500,000
8400-0100	102,532	7,606,811
8910-0107	295,851	40,997,056
8910-0145	529,872	8,182,433

**SECTION 2** *Items reduced in amount and by striking the wording*

Item	Reduce by	Reduce to	Wording Stricken
0330-0300	16,725	7,057,214	“; provided further, that \$16,725 be paid as sick leave payments to David I. Flemming in accordance with the sick leave bank provisions of chapter 102 of the acts of 1997 and section 273 of chapter 194 of the acts of 1998”
0330-0410	15,000	946,861	“; provided further, that not less than \$15,000 shall be expended for the Winchester mediation program”
0332-1203	63,249	1,115,243	“and three additional probation officers”
0332-1400	42,166	1,238,785	“; provided, that two additional probation officers shall be funded from this item in fiscal year 2001”
0332-1600	21,083	2,041,705	“; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001”
0332-1800	84,332	2,938,838	“; provided further, that four additional probation officers shall be appointed and funded from this item in fiscal year 2001”

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Item	Reduce by	Reduce to	Wording Stricken
0332-1900	63,249	1,375,436	“; provided, that three additional probation officers shall be funded from this item in fiscal year 2001”
0332-2000	21,083	361,738	“; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001”
0332-2400	42,166	1,930,196	“; provided, that two additional probation officers shall be appointed and funded from this item in fiscal year 2001”
0332-2700	87,554	3,008,971	“one additional assistant chief probation officer, three additional probation officers, and”
0332-3200	42,166	1,128,691	“, two additional probation officers”
0332-3300	86,412	1,261,652	“; provided, that three additional probation officers and two probation case specialists shall be appointed and funded from this item in fiscal year 2001”
0332-3500	42,166	4,208,526	“two additional probation officers,”
0332-4000	21,083	2,647,056	“, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001; and provided further”
0332-5100	21,083	277,971	“one additional probation officer and”
0332-5200	21,083	2,105,687	“; provided, that one additional probation officer shall be appointed and funded by this line item in fiscal year 2001”
0332-5300	63,249	4,777,364	“; provided, that three additional probation officers shall be appointed and funded from this item in fiscal year 2001”

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Item	Reduce by	Reduce to	Wording Stricken
0332-6000	21,083	1,944,353	“, one additional probation officer”
0332-6700	84,332	1,103,541	“; provided, that four additional probation officers shall be appointed and funded from this item in fiscal year 2001”
0332-6800	63,249	2,259,351	“; and provided further, that three additional probation officers shall be funded from this item in fiscal year 2001”
0332-7500	24,305	761,024	“; provided, that an assistant chief probation officer shall be appointed and funded from this item in fiscal year 2001”
0332-7600	42,166	1,255,038	“; and provided further, that two additional probation officers shall be funded from this item in fiscal year 2001”
0333-0200	21,083	825,757	“; provided, that one additional probation officer shall be appointed and funded from this item in fiscal year 2001”
0333-0300	87,554	2,497,028	“; provided, that one additional assistant chief probation officer and three additional probation officers shall be appointed and funded from this item in fiscal year 2001”
0333-0500	21,083	2,486,797	“; and provided further, that an additional probation officer shall be funded from this item in fiscal year 2001”
0333-0700	21,083	2,842,199	“one additional probation officer and”
0333-0900	42,166	4,810,336	“two additional probation officers,”
0337-0003	42,166	15,842,316	“; provided further, that one additional probation officer for Plymouth county shall be appointed and funded from this item in fiscal year 2001” and

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Item	Reduce by	Reduce to	Wording Stricken
			"one additional probation officer,"
0337-0300	42,166	1,724,705	"two probation officers,"
0337-0400	21,083	1,474,552	"; provided, that a probation officer shall be funded from this item for the purposes of providing outreach and coordinating services with executive branch and non-profit agencies and local school districts in fiscal year 2001"
0339-1001	1,804,354	10,877,806	<p>" , that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in-charge; provided further, that two additional head administrative assistants, 16 additional probation officers in charge, 13 additional associate probation officers, one additional regional supervisor, one additional chief probation officer, and one additional deputy commissioner shall be funded from this item in fiscal year 2001; provided further"</p> <p>and</p> <p>" ; and provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 of this act"</p>
0339-1002	30,009	9,701,344	" : provided, that one additional chief probation officer shall be funded from this item in fiscal 2001 for juvenile justice issues in Worcester county"



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Item	Reduce by	Reduce to	Wording Stricken
0339-1003	1,242,602	3,192,508	“; provided further, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); provided further, that \$117,837 shall be expended for seven assistant court service coordinators; provided further, that \$54,670 shall be expended for two court service coordinators; provided further, that \$44,169 shall be expended for two administrative assistants; provided further, that \$69,028 shall be expended for two program managers; provided further, that \$172,500 shall be expended on general office furnishings for Worcester juvenile and women's centers: provided further, that not less than \$211,000 shall be expended for the operation of the Suffolk county courts' community service program, so-called, to be supervised by the chief justice for administration and management; and provided further, that \$90,000 shall be expended for a drug treatment on demand drug offender program, so-called, in the district court of Lawrence;”
0526-0100	1,910,000	1,698,792	“that \$150,000 shall be expended for the Soper Memorial Fountain in the city of Taunton; provided further,”  and  “; provided further, that \$50,000 shall be expended for the historic Summer Street Fire Station in the town of Natick”  and  “; provided further, that \$250,000 shall be expended for a grant to the New Bedford Historical Society for capital improvements and start up costs to establish an educational program recognizing New Bedford's prominent role in the abolition movement, the underground railroad

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Item	Reduce by	Reduce to	Wording Stricken
			and the Nathan and Polly Johnson-Frederick Douglass house; provided further, that said organization shall collaborate with the Frederick Douglass Unity House at UMass Dartmouth"
			and
			"; provided further, that \$250,000 shall be expended for a matching grant for repairs to the strand theater in the city of Boston; provided further, that \$60,000 shall be expended for the Toby House in the town of Wareham; provided further, that not less than \$25,000 shall be expended for the Saugus Town Hall Auditorium, provided further, that \$125,000 shall be expended for the restoration and improvement of the Corson building; provided further, that \$1,000,000 shall be expended for the restoration of the historic Clinton fire station"
1102-3301	753,539	9,121,627	"; provided further, that not less than \$200,000 shall be made available for the restoration and preservation of the historic flags displayed in the state house hall of flags"
			and
			"; and provided further, that not less than \$60,000 shall be expended to wash windows, including windows at the state house"
1108-5200	24,620,419	589,400,559	"; provided further, that the commonwealth's share of such premiums for active state employees shall be 85 per cent of said premiums and rates"
			and
			"; and provided further, that the commission shall notify the house and senate committees on ways and means by February 15 of each year of the cost of the commonwealth's projected share of

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Item	Reduce by	Reduce to	Wording Stricken
			group insurance premiums for the next fiscal year"
1108-5500	655,000	5,013,831	" ; and provided further, that the commission shall expend all necessary funds from this item to ensure that all dental and vision benefits shall be at least at the level in effect on June 30, 1998"
2000-0100	350,000	3,834,002	" ; provided further, that \$75,000 shall be expended as a matching grant to the Mattapoissett river valley authority"  and  " ; provided further, that not less than \$50,000 shall be expended for the formation of a technical advisory group to conduct a coastal monitoring study in Salem Sound to investigate declining fish and lobster populations in Salem Sound; provided further, that not less than \$100,000 shall be expended for a coastal shore water testing program administered by the coalition for Buzzards Bay; provided further, that \$125,000 shall be expended on the implementation of the second phase of Vision 2020"
2010-0100	250,000	8,770,000	" ; provided further, that the sum of \$250,000 shall be appropriated to E-Call, Inc. , a non-profit organization, to assist in the implementation and improvement of recycle-related programs and to improve access to recycling programs"
2100-2030	2,526,477	23,150,906	" ; provided further, that \$600,000 shall be made available for repairs and maintenance to the Newburyport boardwalk; provided further, that not less than \$130,000 shall be expended on the Leominster state pool to comply with department of environmental protection, Americans with Disabilities Act, and department of public health

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Item	Reduce by	Reduce to	Wording Stricken
			regulations; provided further, that not less than \$105,137 shall be expended for the restoration of Mill pond in West Newbury”
			and
			“; provided further, that \$50,000 shall be expended for the repair and upgrade of facilities at Dighton Rock state park; provided further, that \$42,000 shall be expended for one full time park ranger and one seasonal park ranger at Walden pond in Concord; provided further, that not less than \$3,340 shall be expended for the purposes of planting ten white trees in Southwell park”
			and
			“; provided further, that \$250,000 shall be expended for the improvement and preservation of the Craigville Pond and Centerville River System, known as the Red Lily Pond Restoration project, provided, that the department shall enter into contracts with the Red Lily Pond Project Association; provided further, that not less than \$100,000 shall be expended for design work for the Rail Trail extension in the town Yarmouth; provided further, that \$40,000 shall be expended for a heavy equipment operator in Myles Standish State Forest; provided further, that not less than \$150,000 shall be expended for a one-time grant for the preparation of a unified heritage preservation and interpretive plan for the Quinebaug and Shetucket Rivers Valley Heritage district pursuant to the provisions of chapter 127 of the acts of 1997; provided further, that \$50,000 shall be provided for the Blackstone River Canal Commission; provided further, that not less than \$50,000 shall be provided for the promotion of tourism in the city of Fall River, including the Fall River heritage state park; pro-



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Item	Reduce by	Reduce to	Wording Stricken
			<p>vided further, that such funds shall be administered by the city of Fall River; provided further, that \$100,000 shall be made available for a Heritage Rivers pilot program, so-called, in the city of Taunton; provided further, that \$95,000 shall be expended for the New Bedford community boating center at Fort Rodman”</p> <p>and</p> <p>“provided further, that \$85,000 shall be expended as a matching grant for the purchase of open space on King street in the town of Hanover”</p> <p>and</p> <p>“; provided further, that not less than \$130,000 shall be expended on the Clinton state pool to comply with the department of environmental protection, Americans with Disabilities Act, and department of public health regulations; provided further, that \$160,000 shall be expended for repairs and reconstruction of the Senator P. Eugene Casey pool in Milford; provided further, that a matching grant of \$150,000 shall be expended for the purchase of surplus MBTA rail-bed, one-mile long and seventy-five feet wide, totaling 5.2 acres in north Plymouth, to be used for a nature trail and bike path”</p> <p>and</p> <p>“; provided further, that \$236,000 shall be made available to the town of Reading for costs incurred from purchasing the Marion Woods property along the Ipswich River”</p>
2320-0200	80,000	678,273	<p>“; provided further, that \$80,000 of the amount appropriated herein shall be used for the design, repair, reconstruction or relocation of boating access ramps, the design and construction of a barrier free float system, the construction of a barrier-free sport fishing pier and the installation</p>

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Item	Reduce by	Reduce to	Wording Stricken
			of signage on the property of the metropolitan district commission at gates 8 and 32 of the Quabbin reservoir”
2440-0010	3,680,600	28,171,194	“; provided further, that \$20,000 shall be appropriated to the Harry J. McDonough sailing program”  and “; provided further, that \$20,000 shall be appropriated for the installation and maintenance of a memorial in honor of former Senate President John E. Powers at the Pleasure Bay lagoon in South Boston; provided further, that not less than \$50,000 shall be expended from this item for the design and repair of the historic one-room schoolhouse at Moore state park in the town of Paxton; provided further, that not less than \$5,000 shall be made available for repairs to Ulin's rink, including but not limited to the sound system; provided further, that not less than \$140,000 shall be made available for bringing the Metropolis skating rink in Canton up to the standards set by the Americans with Disabilities Act; provided further, that not less than \$250,000 shall be expended on improvements and the general rehabilitation of Bryan rink; provided further, that \$50,000 shall be made available for a perimeter fence for the Chickatawbut Museum; provided further, that \$40,000 shall be expended to conduct a historic structures and programming report for the Brook Farm Print Shop at the Brook Farm historic site, and that said report shall be submitted not later than November 20, 2000; provided further, that \$70,600 shall be expended for two rangers for the patrolling of parks including, but not limited to the Stony-Brook reservation/Bellevue Hill reservation”  and

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Item	Reduce by	Reduce to	Wording Stricken
			<p>“; provided further, that \$60,000 shall be provided to establish a program to breed the natural predators of the insect known as the Hemlock Woolly Adelgid and for the testing of such program in the Hemlock Gorge Reservation and other appropriate sites; provided further, that \$300,000 shall be expended for repairs and improvements to the Veteran's memorial rink in Arlington; provided further, that \$150,000 shall be expended on a study and design of a retention basin at Blue Hills; provided further, that not less than \$50,000 shall be expended for improvements to Bellevue reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols of said reservation, lighting and irrigation, provided further, that \$1,500,000 shall be used toward the reconstruction and design of Peabody Circle”</p> <p>and</p> <p>“; provided further, that \$100,000 shall be expended to prevent run-off from Blue Hills Reservation at Pine Tree Brook in Milton; provided further, that \$50,000 shall be expended for improvements to the Revere Beach parkway in the city of Everett; provided further, that \$400,000 shall be expended for the study and design of the Mystic Valley parkway phase II, so-called; provided further, that residual funds shall be utilized toward rehabilitation and construction”</p> <p>and</p> <p>“; provided further, that \$75,000 shall be expended to begin a master plan for the Alewife reservation area; provided further, that \$250,000 shall be expended for a conceptual master plan with phase one implementation for the Mystic river lower basin from state highway route 16 to state highway route 99”</p>

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Item	Reduce by	Reduce to	Wording Stricken and “; and provided further, that \$100,000 shall be expended for renovations to the Brighton/Allston pool, including the bath house”
2511-0100	41,000	5,323,307	“; provided, that \$21,000 shall be expended for the food distribution efforts of the Amherst survival center” and “; and provided further, that not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport”
4000-0600	1,000,000	1,646,370,000	“; provided further, that the division shall expend all necessary amounts to extend the number of nursing facility bed hold days to 20 for patients of the facility on medical leaves of absence pursuant to section 403 of this act”
4510-0710	399,999	7,259,473	“; provided further, that \$100,000 shall be expended for the purposes of section 400 of this act”
4512-0500	70,000	1,320,917	“; provided that \$70,000 shall be expended for a dental health services coordinator who shall be a dental professional with a public health back- ground”
4513-1020	449,080	26,033,525	“; provided further, that the department shall fund not less than 39 full-time equivalent employees for said program”
6005-0015	180,000	41,196,911	“; and provided further, that \$180,000 shall be allocated to the Brockton area transit authority to establish shuttle bus service to serve the towns of Rockland and Abington”



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Item	Reduce by	Reduce to	Wording Stricken
6010-0001	3,336,046	13,772,019	<p>“; provided further, that the department shall submit to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile the monthly reports required pursuant to item 6000-0100 with respect to the statewide transportation improvement program and the chapter 90 program, so-called; provided further, that the department shall furnish to the executive office of transportation and construction and the house and senate committees on ways and means all information necessary to compile quarterly capital-funded personnel expenditure reports”</p> <p>and</p> <p>“; provided further, that the department shall provide the house and senate committees on ways and means a quarterly report of repairs requiring said secretary's approval; provided further, that said department shall fulfill its commitment to award a contract for the Main street/route 122A road construction project in the town of Holden by August 15, 2000; provided further, that should said department fail to meet said deadline, then said department shall submit monthly reports to the house and senate committees on ways and means and to the Holden board of selectmen detailing the reason for the project's delay and including a project status report”</p> <p>and</p> <p>“; provided further, that \$300,000 shall be expended for equipment for a closed loop system to interconnect the light signals for the 6 intersections from Crosby's Corner to the Prison Rotary on route 2 in the town of Concord”</p> <p>and</p>

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Item	Reduce by	Reduce to	Wording Stricken
			<p>“; provided further, that \$100,000 shall be expended for lighting improvements at the intersection of route 128 and route 28 in the town of Randolph; provided further, that not less than \$200,000 shall be expended for beautification and other improvements to the rotary at the intersection of route 107 and route 60, commonly known as Brown Circle, and the Squire Road section of route 60 in the city of Revere; provided further, that the town of Saugus shall be reimbursed for the design work for phase A and C on the Walnut street reconstruction project in the amount of \$461,046; provided further, that \$1,500,000 shall be expended to reimburse the town of Georgetown for projects undertaken pursuant to section 70 of chapter 11 of the acts of 1997 and section 2A of chapter 205 of the acts of 1996; provided further, that not less than \$250,000 shall be expended for the initial phase of the route 495/route 109 interchange project in the town of Milford”</p> <p>and</p> <p>“; provided further, that not less than \$100,000 shall be expended for the purpose of providing a replicable model to improve pedestrian safety at a local elementary school in the town of Brookline, by installing traffic calming devices on the streets surrounding the Driscoll school; provided further, that not less than \$250,000 shall be expended for street lighting projects on Shrewsbury street in the city of Worcester”</p> <p>and</p> <p>“; provided further, that not less than \$175,000 shall be expended for the study and design of the Highland avenue turnback project between the Charles River bridge and First avenue in the town of Needham”</p>

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Item	Reduce by	Reduce to	Wording Stricken
7002-0100	335,000	1,138,742	“; provided further, that not less than \$200,000 shall be expended for the donahue institute to study work, families, and communities in Massachusetts; and provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO”
7003-0801	100,000	150,000	“; and provided further, that not less than \$100,000 shall be expended for the training program for entry level health careers operated by dimock community health center in Roxbury”
7003-1000	423,236	2,845,000	“; provided further, that not less than \$150,000 shall be expended to support the technology initiative operated by the metro southwest regional employment board for the development of technology centers of excellence serving the region's youth and businesses” and “; provided further, that \$98,236 shall be expended for the economic development activities of the breaking barriers program of the educational development center in Newton” and “; provided further, that not less than \$75,000 shall be expended for the career beginnings program, so-called, at Worcester state college in the city of Worcester” and “; and provided further, that not less than \$100,000 shall be expended for the refugee and immigrant self-sufficiency program, so-called, at the university of Massachusetts at Lowell”
7004-2027	1,450,000	2,050,000	“and provided further, that not less than \$50,000

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Item	Reduce by	Reduce to	Wording Stricken
			shall be expended for the northern berkshire community development corporation, so-called"
7053-1940	350,000	535,000	" ; provided, that not less than \$350,000 shall be allocated for a payment to the town of Framingham for the educational costs associated with the Learning Center, so-called"
8400-0001	50,000	49,135,751	" ; provided further, that the registry shall operate a license express office in Falmouth"  and  " ; provided further, that said registry shall establish and operate a license express office, so-called, in the city of Lynn"
8910-0000	415,000	154,275,207	" ; that not less than \$415,000 shall be expended for a contract with Project Coach, so-called, to operate an intermediate sanctions program in the city of New Bedford; provided further"

SECTION 2 *Items reduced in amount and by striking the wording and inserting in place thereof the following:*

Item	Reduce by	Reduce to	Wording Stricken
1599-6899	10,000,000	15,000,000	"earning less than \$39,000"  and  "shall not exceed \$25,000,000"  <i>Wording Inserted</i>  "earning less than \$25,000"  and  "shall not exceed \$15,000,000"
2100-0005	1,944,373	4,783,532	<i>Wording Stricken</i>  " ; provided further, that not less then \$400,000



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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			shall be made available for a dredging project for West Island; provided further, that \$100,000 shall be made available for the dredging of the Pine Tree Brook from Blue Hills to the Neponset River”
			and
			“; provided further, that not less than \$50,000 shall be expended for repairs to the dam at Forge pond in the town of East Bridgewater; provided further, that not less than \$76,000 shall be expended for the repairs at Blood pond dam in the town of Hopkinton”
			and
			“; provided further, that not less than \$300,000 shall be expended for completing renovation to a pier in the town of Salisbury; provided further, that not less than \$25,000 shall be allocated to the town of Upton for the repair of Pratt Pond dam; provided further, that not less than \$175,000 shall be expended for an aquifer storm water discharge program in the town of Franklin”
			and
			“; provided further, that not less than \$35,000 shall be expended for a contract with Dukes county for the management and maintenance of Joseph Sylvia state beach; provided further, that \$100,000 shall be expended to reimburse the expenses of the Middlesex canal commission”
			and
			“; provided further, that \$53,373 shall be expended for dredging Hingham harbor”
			and
			“; provided further, that \$230,000 shall be expended for engineering studies for the repair of the Marblehead seawall”

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>  and  “; provided further, that \$50,000 shall be expended for repair and replacement of piers in Cohasset”  and  “; provided further, that \$200,000 shall be expended for the restoration of Milford pond, also known as Cedar pond, in the town of Milford; provided further that \$50,000 shall be expended to reimburse the town of Saugus for aquatic nuisance control at Griswold pond; provided further, that \$100,000 shall be provided for the restoration of Whitman's pond”  and  “; provided further, that \$200,000 shall be expended for the restoration of Hall's pond in Brookline”  <i>Wording Inserted</i>  “; provided further, that not less than \$200,000 shall be expended for completing renovation to a pier in the town of Salisbury”
2100-2041	75,000	2,425,000	<i>Wording Stricken</i>  “The department is hereby authorized to expend revenues collected up to a maximum of \$2,500,000 from fees charged by said department credited to the Second Century Fund for additional expenses, upkeep and improvements to the parks and recreation system of the department”  and  “; provided further, that \$75,000 shall be expended for renovations and improvements for John J. Lane park in the town of Natick”

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Item	Reduce by	Reduce to	<i>Wording Inserted</i>
			“The department is hereby authorized to expend revenues collected up to a maximum of \$2,425,000 from fees charged by said department credited to the Second Century Fund for additional expenses, upkeep and improvements to the parks and recreation system of the department”
2350-0104	50,000	150,000	<i>Wording Stricken</i> “; provided, that the division is hereby authorized to expend revenues of up to \$200,000 collected from fees charged for private details” <i>Wording Inserted</i> “; provided, that the division is hereby authorized to expend revenues of up to \$150,000 collected from fees charged for private details”
2440-1000	100,000	100,000	<i>Wording Stricken</i> “The metropolitan district commission is hereby authorized to expend an amount not to exceed \$200,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws” <i>Wording Inserted</i> “The metropolitan district commission is hereby authorized to expend an amount not to exceed \$100,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws”
2511-3002	100,000	299,500	<i>Wording Stricken</i> “; provided, that not less than \$250,000 shall be expended for the purpose of a research grant at the University of Massachusetts” <i>Wording Inserted</i> “; provided, that not less than \$150,000 shall be expended for the purpose of a research grant at the University of Massachusetts”

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Item	Reduce by	Reduce to	Wording Stricken
4000-1431	500,000	3,500,000	<p>“The division shall expend \$3,824,000 from this item for the purpose of increasing the reimbursement rate paid to community health centers for services under contract with said division that are eligible for federal financial participation”</p> <p><i>Wording Inserted</i></p> <p>“The division shall expend \$3,324,000 from this item for the purpose of increasing the reimbursement rate paid to community health centers for services under contract with said division that are eligible for federal financial participation”</p>
4200-0200	906,250	13,828,644	<p><i>Wording Stricken</i></p> <p>“; provided, that not less than \$1,812,500 shall be encumbered for the partial-year costs of establishing and operating two additional state-run detention centers”</p> <p><i>Wording Inserted</i></p> <p>“; provided, that not less than \$906,250 shall be encumbered for the partial-year costs of establishing and operating two additional state-run detention centers”</p>
4200-0300	593,750	77,235,745	<p><i>Wording Stricken</i></p> <p>“; provided, that not less than \$1,187,500 shall be encumbered for the partial-year costs of the procurement of two additional residential treatment programs”</p> <p><i>Wording Inserted</i></p> <p>“; provided, that not less than \$593,750 shall be encumbered for the partial-year costs of the procurement of two additional residential treatment programs”</p>



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Item	Reduce by	Reduce to	Wording Stricken
4512-0200	473,371	44,598,407	<p>“; provided further, that not less than \$600,000 shall be expended for the establishment of a new five bed treatment program for detoxification and stabilization services for civilly committed women in central or western Massachusetts”</p> <p>and</p> <p>“; provided further, that not less than \$30,000 shall be expended for the operation for a women's transitional housing program by Our Father's House in the city of Fitchburg”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that not less than \$500,000 shall be expended for the establishment of a new five bed treatment program for detoxification and stabilization services for civilly committed women in central or western Massachusetts”</p>
4513-1112	1,166,512	2,033,488	<p><i>Wording Stricken</i></p> <p>“; provided, that not less than \$1,700,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment”</p> <p><i>Wording Inserted</i></p> <p>“; provided, that not less than \$533,488 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment”</p>
4570-1500	1,007,435	8,926,284	<p><i>Wording Stricken</i></p> <p>“; provided, that not less. than \$1,950,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in “areas of unique opportunity”</p>

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Item	Reduce by	Reduce to	<i>Wording Stricken</i>
			and
			“; provided further, that \$500,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer”
			<i>Wording Inserted</i>
			“; provided, that not less than \$1,700,000 shall be expended for the purposes of a scientific research grant program to investigate potential environmental factors that contribute to breast cancer in “areas of unique opportunity”
			and
			“; provided further, that \$250,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer”
4590-0250	10,700,000	12,800,000	<i>Wording Stricken</i>
			“; provided, that \$7,000,000 shall be allocated to local communities for the purpose of enforcing local ordinances, bylaws and regulations relative to tobacco control; provided further, that \$6,700,000 shall be expended from this item for a tobacco cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products; provided further, that of said \$6,700,000 not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that \$2,500,000 shall be expended from this item for grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; provided further, that \$6,600,000 shall be appropriated from this item to fund increased enforcement efforts and media campaigns by health and

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Item	Reduce by	Reduce to	Wording Stricken
			community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that of said \$6,600,000 not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education and health awareness programs to be executed by the department”
			<i>Wording Inserted</i>
			“; provided, that \$3,500,000 shall be allocated to local communities for the purpose of enforcing local ordinances, bylaws and regulations relative to tobacco control; provided further, that \$3,350,000 shall be expended from this item for a tobacco cessation program, which may include providing smokers with vouchers to be used for counseling and cessation products; provided further, that of said \$3,350,000 not less than \$158,333 shall be expended for low income smokers' nicotine replacement therapy; provided further, that \$2,325,000 shall be expended from this item for grants to evaluate current anti-tobacco efforts and to pursue scientific and policy research including, but not limited to, smoking prevention, addiction, mortality associated with secondhand smoke, issues unique to minority communities and youth smoking; provided further, that \$3,300,000 shall be appropriated from this item to fund increased enforcement efforts and media campaigns by health and community agencies in minority communities which demonstrate a high rate of tobacco use; provided further, that of said \$3,300,000 not less than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education and health awareness programs to be executed by the department”

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Item	Reduce by	Reduce to	Wording Stricken
7007-0400	1,239,805	5,625,000	<p>“; provided further, that not less than \$300,000 shall be expended for the Massachusetts ventures corporation in the Pioneer Valley region corporation; provided further, that not less than \$200,000 shall be expended for the center for advanced fiberoptic applications in Southbridge”</p> <p>and</p> <p>“; provided further, that not less than \$75,000 shall be expended as a grant to the Mason Square community development corporation in Springfield”</p> <p>and</p> <p>“; provided further, that not less than \$200,000 shall be obligated to the western Massachusetts precision institute; provided further, that not less than \$250,000 shall be expended for the Massachusetts fisheries recovery commission”</p> <p>and</p> <p>“; provided further, that not less than \$25,000 shall be expended for aqua-culture development operated by vocational high schools serving coastal communities”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that not less than \$200,000 shall be expended for the Massachusetts ventures corporation in the Pioneer Valley region corporation; provided further, that not less than \$150,000 shall be expended for the center for advanced fiberoptic applications in Southbridge”</p> <p>and</p> <p>“; provided further, that not less than \$200,000 shall be expended for the Massachusetts fisheries recovery commission”</p>



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Item	Reduce by	Reduce to	Wording Stricken
7007-0515	50,000	425,000	<p>“; provided, that \$175,000 shall be expended for a grant to the devens enterprise commission established pursuant to chapter 498 of the acts of 1993”</p> <p><i>Wording Inserted</i></p> <p>“; provided, that \$125,000 shall be expended for a grant to the devens enterprise commission established pursuant to chapter 498 of the acts of 1993”</p>
7070-0065	8,245,703	91,811,673	<p><i>Wording Stricken</i></p> <p>“; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than \$20,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that the Massachusetts state scholarship office is authorized and directed to expend not less than \$18,000,000 to provide for matching scholarship grants to needy Massachusetts students at participating Massachusetts independent regionally accredited colleges, universities, and schools of nursing”</p>
8100-0000	250,000	166,802,496	<p><i>Wording Stricken</i></p> <p>“; provided further, that \$1,000,000 shall be used for one-time equipment purchases and capital expenditures for the state police crime laboratory, including the DNA unit”</p> <p><i>Wording Inserted</i></p> <p>“; provided further, that \$750,000 shall be used for one-time equipment purchases and capital expenditures for the state police crime laboratory, including the DNA unit”</p>

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SECTION 2 *Items disapproved by striking the wording:*

Item	Wording Stricken
1599-0043	“; provided further, that the rates of reimbursement paid to each provider be adjusted by the same percentage, across the commonwealth”
2100-3010	“; provided further, that the department shall maintain 40 lifeguards at Horseneck beach”
2100-3011	“; provided further, that the department shall have 40 lifeguards at Horseneck beach by June 2001”
4000-0100	“; provided further, that the secretary of health and human services shall personally approve and sign all contracts entered into by the office of refugees and immigrants to prevent future deficiencies by said office”
4000-0500	“, provided further, that the division of medical assistance, the department of mental health and the Massachusetts behavioral health partnership shall collaborate to submit a report to the house and senate committees on ways and means not later than December 15, 2000, detailing all administrative costs associated with managing the carve-out, so-called, of medicaid. substance abuse and mental health services, including all costs associated with said division's contract with said partnership; provided further, that said report shall include the rates paid to each inpatient facility in said partnership's provider network for each type of service for which a distinct rate is paid, the methodological basis for such rates, including any adjustments made to such rates resulting from case-mix, per-member per-month calculations or other factors, and the specific positive or negative adjustments made by the partnership to such rates for each of the last three fiscal years; provided further, that said report shall include a three year analysis that separately distinguishes utilization trends for clients of the department and recipients enrolled in each health benefit plan, so-called, that is offered by the division; provided further, said report shall incorporate recommendations relative to enhancing the rates paid to such facilities that reflects the relative cost of delivering services to such clients and recipients and for improving the performance of said partnership; provided further, that said report shall address the governmental costs of oversight

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Item	Wording Stricken
	of the MBHP, so-called, contract at the division of medical assistance, the department of mental health, the department of public health, the department of social services and other state agencies, as well as the value added by such oversight and interagency collaboration”
4000-0700	“; provided further, that the division shall conduct a study of medicaid rates paid to outpatient mental health, outpatient substance abuse, methadone counseling and psychiatric day treatment providers; provided further, that such study shall include (a) a review of medicaid reimbursement rates paid to said providers during fiscal years 1990 to 2001, inclusive; (b) a comparison of said rates to the costs said providers incur in delivering services; (c) an evaluation of the adequacy of said rates with consideration for inflation in costs incurred by said providers and other relevant factors as determined by said division; (d) a review of said providers' inability or ability to support programs within existing allocations; and (e) recommendations of how to improve the delivery of care and meet the specific needs of patients who are dually diagnosed with mental illness and addiction”
4401-1001	“; provided further, that said department shall assess the skill level of each recipient three months prior to the loss of eligibility for said transitional benefits; provided further, that said assessments shall be limited to recipients who lack a high school or graduate equivalency degree; provided further, that said assessments shall determine reading levels, math levels, English proficiency, and work history; provided further, that said assessments shall determine if said recipients face substantial barriers to employability including, but not limited to, disabilities, child behavioral problems, substance abuse or domestic violence; provided further, that said department shall document the results of said assessments, including the basis for making a determination that a recipient faces substantial barriers to employability; provided further, that said department shall report to the house and senate committees on ways and means on the findings of said assessments on or before February 1, 2001”
4403-2000	“; provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both; the

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Item	Wording Stricken
	commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, such proposed changes”
4403-2002	“; and provided further, that notwithstanding the provisions of any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both to the program, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, such proposed changes”
4403-2110	“; provided further, that notwithstanding the provisions of any general or special law or this item to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes”  and  “; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item”
4403-2120	“; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representative and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting forth such proposed changes”



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Item	Wording Stricken
	and
	“; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item”
4408-1000	“; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting such proposed changes”
6000-0100	“; provided further, that said office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program, so-called, including, but not limited to, the location of said projects, the cost of said projects, the date of advertisement of said projects, the commencement date of said projects, the projected completion date of said projects, and the source of funds for said projects; provided further, that said office shall also provide said committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims, or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by said secretary to obtain the necessary information to produce said reports; provided further, that said reports shall include, but not be limited to, the cost of said projects by city or town, the source of funding of said projects by city or town, and the commencement and completion dates of said projects by city or town; provided further, that said office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that said reports shall delineate for the executive office and for each agency, board,

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	authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that said reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to said funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that said reports shall identify the number of full time equivalent personnel classified in each position type; provided further, that said reports shall list all employees who are paid from items 6000-0100, 6010-0002, 6010-1000, and 6006-0003 who also receive payments from any capital funds; provided further, that said reports shall include for each of said employees how much money said employees receive from said items and how much money each employee receives from any capital funds; and provided further, that said reports shall delineate said information for full time employees, part-time employees and contracted personnel”
6010-0002	“, that not more than \$10, 118,925 of the funds appropriated herein may be expended for said payroll costs until said department fully obligates funds from capital or operating accounts for the following projects pursuant to the provisions of chapter 127 of the acts of 1999: (1) the Wachusett mountain road project, so-called, in the town of Princeton; (2) the Mystic Wellington bridge project, so-called, in the city of Somerville; and (3) the Chestnut street turn-back project, so-called, in the town of Needham; and provided further”
7004-0099	“; provided further, that on February 1, 2001, said department shall submit to the house and senate committees on ways and means a comprehensive report describing in detail the number, location, and subsidy requirements of state-subsidized housing, including: Massachusetts housing finance agency finance units, mobile and project-based vouchers issued by said department, bond funded or subsidized units and local housing authority units and provided further, that said department shall detail changes in the number and the physical condition of said units from the fiscal year 2000”
7006-0100	“; provided, that not less than eleven investigators shall be employed by the commission for the purpose of investigating and

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	enforcing the alcoholic beverages laws of the commonwealth; and provided further, that not less than three of said investigators shall enforce underage drinking laws on a regional basis"
7006-0130	“; provided further, that the board shall submit a report to the Legislature pursuant to section 438"
7007-0100	“; provided, that the secretary of economic affairs shall make every effort to ensure that said departments activities reach the most economically challenged regions of the commonwealth; provided further, that the secretary of said department will either devise or use generally accepted criteria to determine which regions of the commonwealth are the most economically challenged; and provided further, that not later than December 31, 2000, the secretary of said department shall submit to the house and senate ways and means committee a report detailing the criteria, a ranking of regions, a list of programs directly assisting the residents of those regions, the number of people served, and a detailed plan on how the secretary plans to increase economic activity in the most challenged regions"
7007-0900	“; and provided further, that no later than December 31, 2000, the director of said agency shall submit to the house and senate ways and means committees a detailed report which shall include, but not be limited to, the number of visitors to each region of the commonwealth, the amount of tourism dollars spent by those visitors, the tourist attractions in each region where those dollars are spent, a ranking of regions by total number of tourists and by total amount of tourism dollars spent, and a targeted plan to help devise tourism activity in the most under-visited regions, including, but not limited to, marketing efforts, tourist venue and attraction development, and any additional information that will help generate tourism activity in those regions"
8200-0222	“; provided further, that classes shall consist of no more than 44 students"
8900-0002	“; provided further, that the commissioner of the department shall submit a report on the recidivism rate of offenders who have been, or currently are, incarcerated in said department; provided further, that said report shall include data for fiscal year 2001; provided

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	further, that said report shall include information regarding recidivism rates by program and facility; and provided further, that said report shall be submitted to the house and senate committees on ways and means no later than January 22, 2001"
8900-0004	“; and provided further, that said report shall detail the costs incurred and services utilized, by funding source, resulting from implementation of the recommendations in the report dated January 31, 1997 and prepared by the University of Massachusetts medical center relative to the management of inmate psychiatric services known as the Salvi recommendations”

*Pursuant to Article 56 of the Amendments to the Constitution, the Governor sent a separate letter to the Senate and the House of Representatives setting forth recommended amendments.*

*The remainder of the bill was approved by the Governor on July 28, 2000 at one o'clock and ten minutes, P.M.*

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31,2000 the House of Representatives and the Senate in concurrence passed the following Items:*

**SECTION 2:** Items: 0339-1001, 1108-5200, 2100-0005, 2100-2030, 2440-0010, 4513-1112, 4570-1500, 4590-0451, 6010-0001, 7002-0100, 7004-0087, 7006-0066, 7006-0067, 7007-0515, 7030-1002, 7030-1003, 7061-0020, 7066-0015, 7066-0119, 7070-0065, 8100-0301; **SECTIONS: 39, 138, 139, 147, 148, 160, 162, 168, 169, 177, 178, 225, 325, 403, 416, 417, 418, and 419.**

*The objections of the Governor notwithstanding and in the manner prescribed by the Constitution, on July 31,2000 the House of Representatives and on August 1, 2000 the Senate passed the following Items:*

**SECTION 2:** Items: 0330-4111, 7003-0700, 7007-0525, 7030-1005, 7053-1940 and **SECTION 413.**

**Chapter 160. AN ACT RELATIVE TO THE ELECTION OF THE SCHOOL COMMITTEE OF THE CITY OF LAWRENCE.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Subsection 5.1 of section 1 of chapter 425 of the acts of 1983 is hereby



amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) *Composition* - There shall be a school committee consisting of seven members which shall exercise general management and control of the public schools of the city. Six of these members, to be known as district members, shall be nominated and elected by and from the voters of the six districts, one district member to be elected from each such district. The Mayor shall serve as the seventh member of the school committee and as its chairman with full power to vote.

**SECTION 2.** Said subsection 5.1 of said section 1 of said chapter 425 is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) *Election and Term* - The term of office of all members of the school committee provided for in section 1 shall be for two years beginning at 7:00 o'clock in the evening on the first secular day in January following their election and shall continue until their successors have been chosen and qualified.

**SECTION 3.** The first election of the six district members of the school committee of the city of Lawrence as provided in paragraph (a) of subsection 5.1 of section 5 of the charter for said city shall take place during the regularly scheduled general annual elections to be held in the year 2001.

**SECTION 4.** The boundaries of the six school committee districts of the city of Lawrence shall be established by the city council no later than 75 days after the city of Lawrence receives the official 2000 decennial census information for said city from the United States Bureau of the Census.

**SECTION 5.** During the 75 day period referred to in section 4, the city council of the city of Lawrence shall hold a public hearing for the purpose of receiving the guidance of the inhabitants of the city on the school committee system and its compliance with the Voting Rights Act of 1965, as amended, and the one person one vote principle of the Fourteenth Amendment of the Constitution of the United States based on the population data contained in the 2000 decennial census. The city council shall also during the 75 day period consult with the attorneys for the United States in the case entitled *United States v. City of Lawrence*, Civil Action No. 98-12256-WGY, in order to solicit the United States' views on the school committee system which comply with the act and the one person one vote principle of the Fourteenth Amendment based on the population data contained in the 2000 decennial census. Where it deems it advisable, the city council shall also consult with any experts on the act, apportionment and districting for the purpose of seeking guidance on adopting a school committee system which complies with the act and the one person one vote principle of the Fourteenth Amendment.

**SECTION 6.** This act shall take effect upon its passage.

Approved July 31, 2000.























